

# Exhibit 3

1                   IN THE UNITED STATES DISTRICT COURT

2                   FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

3                   CHARLESTON DIVISION

4                   \* \* \* \* \*

5   B.P.J., by her next friend and       \*

6   Mother, HEATHER JACKSON,           \*

7       Plaintiff                               \*   Case No.

8       vs.                                       \*   2:21-CV-00316

9   WEST VIRGINIA STATE BOARD OF       \*

10   EDUCATION, HARRISON COUNTY       \*

11   BOARD OF EDUCATION, WEST           \*

12   VIRGINIA SECONDARY SCHOOL       \*

13   ACTIVITIES COMMISSION, W.       \*

14   CLAYTON BURCH in his official       \*

15   Capacity as State Superintendent, \* VIDEOTAPED

16   DORA STUTLER in her official       \* VIDEOCONFERENCE

17   Capacity as Harrison County       \* DEPOSITION

18   Superintendent, PATRICK MORRISEY \*       OF

19   In his official capacity as       \* HEATHER JACKSON

20   Attorney General, and THE STATE \*   January 20, 2022

21   OF WEST VIRGINIA,                       \*

22       Defendants                               \*

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                    by the certifying agency.

1 VIDEOTAPED VIDEOCONFERENCE DEPOSITION  
2 OF  
3 HEATHER JACKSON, taken on behalf of the Defendant, State  
4 of West Virginia herein, pursuant to the Rules of Civil  
5 Procedure, taken before me, the undersigned, Nicole  
6 Montagano, a Court Reporter and Notary Public in and for  
7 the State of West Virginia, on Wednesday, January 20,  
8 2022, beginning at 11:13 a.m.

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## S T I P U L A T I O N

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(It is hereby stipulated and agreed by and between  
counsel for the respective parties that reading,  
signing, sealing, certification and filing are not  
waived.)

-----

## P R O C E E D I N G S

-----

ATTORNEY TRYON: This is David Tryon on  
behalf of the State of West Virginia conducting this  
deposition on behalf of the State of West Virginia. We  
have had off the record some discussions among all the  
counsel about some various stipulations about how to go  
forward with the deposition and with objections, and I  
think the best thing for me to do, since Josh, since you  
were the one that is making the objections in this case,  
you give your thoughts about how we can handle those  
objections and then we can all state how we concur with  
them. Is that fair enough or do you want me to state  
them?

ATTORNEY BLOCK: No, I can state them.  
And I think I'll state each type of objection. The  
first is that several objections have come up to

1 questions that in our view seem to call for legal expert  
2 or medical opinion. And our understanding from our  
3 discussions with Defense Counsel is that they do not  
4 intend for any of their questions to seek an answer  
5 based on legal/medical or otherwise expert opinion and  
6 they will specifically state otherwise if they are  
7 seeking a legal/expert or medical opinion. And so based  
8 on that understanding, we will just make a standing  
9 objection to any question insofar as it calls for a  
10 legal expert or medical opinion and won't be making a  
11 specific objection to each question as it occurs.

12 ATTORNEY TRYON: Agreed. And that  
13 applies to this deposition. And to the extent that we  
14 address it at other depositions, we'll address that  
15 separately.

16 Right?

17 ATTORNEY BLOCK: Yes. So if each counsel  
18 could say that they agree to this way of handling those  
19 objections for purposes of this deposition.

20 ATTORNEY DENIKER: I'm in agreement with  
21 that.

22 ATTORNEY MORGAN: I am as well.

23 ATTORNEY DUCAR: I am as well.

24 ATTORNEY BLOCK: The second set of

1 objections that came up were objections to terminology  
2 regarding gender identity, being transgender, the  
3 definition of sex, gender transition, that in our view  
4 are vague and that we think can lead to confusion about  
5 what the terminology means and whether the terminology  
6 is even medically appropriate. And so we object to any  
7 questions that could be used to imply that the language  
8 used in that question actually is medically appropriate  
9 language. But we don't want those to unnecessarily  
10 interrupt the deposition, but at the same time we think  
11 it could be helpful to clarify some of the language so  
12 it doesn't cause problems for any counsel down the road.  
13 And so we propose that we can handle that issue by ---  
14 if terminology that we think is vague and problematic  
15 comes up, we will simply say objection to terminology  
16 and say we have a standing objection to that terminology  
17 without then reiterating objections each subsequent time  
18 the terminology is used. And so is that procedure  
19 acceptable to Defense Counsel?

20 ATTORNEY TRYON: Agreed on behalf of the  
21 State of West Virginia.

22 ATTORNEY DENIKER: I'm agreeable to that  
23 as well.

24 ATTORNEY MORGAN: I'm agreeable as well.

1                    ATTORNEY DUCAR:    Tim Ducar on behalf of  
2    Armistead, yes.

3                    ATTORNEY BLOCK:    And the Commission had a  
4    chance to put their statement on the record.    Roberta?

5                    ATTORNEY GREEN:    Yes, I agree.    I'm good  
6    with that.

7                    ATTORNEY BLOCK:    And the final issue is  
8    there are several objections on the basis that we  
9    thought it mischaracterized the witness's testimony.    We  
10   of course, you know, do not want the objections to  
11   impede the questioning or somehow, you know,  
12   unintentionally affect how the witness responds.    We  
13   discussed that, instead of saying mischaracterizes the  
14   testimony, we would say objection MT and that would  
15   allow us to preserve the objection without the witness  
16   hearing the grounds for it.    So is that an acceptable  
17   approach for all of Defense Counsel?

18                   ATTORNEY TRYON:    Yes.

19                   ATTORNEY DENIKER:    I'm also agreeable to  
20   that.

21                   ATTORNEY MORGAN:    I am as well.

22                   ATTORNEY GREEN:    And I agree as well.

23                   ATTORNEY DUCAR:    I agree as well.

24                   ATTORNEY BLOCK:    Terrific.    I think that



1 resolves everything unless I missed something.

2 ATTORNEY TRYON: No, I think that's  
3 right. I think we are ready to go with the expectation  
4 that we are ready to go. I would like to take a real  
5 quick bathroom break, to be honest.

6 ATTORNEY BLOCK: That sounds good.  
7 Should we convene at 10:50?

8 ATTORNEY TRYON: 10:55 is fine with me.

9 ATTORNEY HARTNETT: Why don't we do  
10 10:55, and that will make sure we get the printed  
11 copies?

12 ---

13 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

14 ---

15 VIDEOGRAPHER: We are on the record.  
16 The current time reads 11:13 a.m. This is the continued  
17 deposition of Heather Denise Jackson.

18 ---

19 HEATHER DENISE JACKSON,  
20 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND  
21 HAVING BEEN PREVIOUSLY DULY SWORN, TESTIFIED AND SAID AS  
22 FOLLOWS:

23 ---

24 CONTINUED EXAMINATION

1

---

2 BY ATTORNEY TRYON:

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7

Ms. Jackson, thank you for joining us again today. And I apologize for the delay here. We were trying to accomplish some things amongst the lawyers to streamline the process today, and sorry to keep you waiting for so long.

8

9

10

11

First of all, I just want to tell you that --- two things. First of all, you're still under oath. So everything you say today, you're still under oath just as yesterday.

12

Okay?

13

A. Yes.

14

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Q. And then we also had some discussions off the record about how we're going to handle --- excuse me, certain objections. And some of them we have agreed to standing depositions --- excuse me, standing objections. And we will need to --- I'm sorry. I'm seeing another message. I'm distracted. So we will just explain that to you in a moment, but one of the other counsel suggested that we all ought to identify ourselves for the record since we do have some different people today than yesterday. So just for the record, I'm David Tryon, representing the State of West Virginia.

1                    ATTORNEY BLOCK: I'm Joshua Block,  
2                    representing the Plaintiff and the witness. And after I  
3                    finish introducing myself, I'll have co-counsel from  
4                    Cooley followed by co-counsel from Lambda Legal followed  
5                    by co-counsel from ACLU of Virginia identify themselves.

6                    ATTORNEY HARTNETT: Good morning. This  
7                    is Kathleen Hartnett from Cooley for Plaintiff and the  
8                    witness.

9                    ATTORNEY BARR: Good morning. This is  
10                  Andrew Barr from Cooley for Plaintiff and the witness.

11                  ATTORNEY VEROFF: Good morning. This is  
12                  Julie Veroff from Cooley for BPJ and the witness.

13                  ATTORNEY HELSTROM: Good morning. This  
14                  is Zoe Helstrom from Cooley for Plaintiff and the  
15                  witness.

16                  ATTORNEY SWAMINATHAN: Good morning.  
17                  This is Sruti Swaminathan for Plaintiff and the witness  
18                  from Lambda Legal?

19                  ATTORNEY TRYON: Roberta?

20                  ATTORNEY GREEN: Yes, Roberta Green, West  
21                  Virginia Secondary School Activities Commission.

22                  ATTORNEY DENIKER: Good morning,  
23                  everyone. This is Susan Deniker, Counsel for Defendants  
24                  Harrison County Board of Education and Harrison County

1 Board of Education Superintendant Dora Stutler.

2 ATTORNEY DUCAR: Good morning. Timothy  
3 Ducar on behalf of Intervenor, Lainey Armistead.

4 ATTORNEY HOLCOMB: Good morning.  
5 Christiana Holcomb on behalf of Intervenor.

6 ATTORNEY CSUTOROS: Good morning. Rachel  
7 Csutoros on behalf of Intervenor.

8 ATTORNEY BROWN: Joshua Brown on behalf  
9 of the Intervenor.

10 ATTORNEY MORGAN: Kelly Morgan and Kristen  
11 Hammond on behalf of the West Virginia Board of  
12 Education and Superintendant Burch.

13 ATTORNEY STARK: Hi. I'm Loree Stark.  
14 I'm with the American Civil Liberties Union of West  
15 Virginia, and I'm here on behalf of Plaintiff.

16 ATTORNEY CAPEHART: Curtis Capehart on  
17 behalf of the State of West Virginia.

18 BY ATTORNEY TRYON:

19 Q. Okay.

20 Ms. Jackson, I'll come back to you now. So  
21 we've have placed a number --- one of the things that we  
22 wanted to do is put some hard copies in your office  
23 there to facilitate going through the documents more  
24 quickly. So when I refer to a document you will be able

1 to pick it up and look at it in hard copy. I will also  
2 probably be putting it up on the screen as well.

3 ATTORNEY TRYON: But before we actually  
4 get started with any questions, Josh, do you want to  
5 state what --- you're going to use certain  
6 abbreviations?

7 ATTORNEY BLOCK: Sure. We put on the  
8 record that there will be certain objections where I use  
9 an abbreviation for it. So if I make an objection that  
10 you don't understand, that's because we stipulated that  
11 we will use an abbreviation for that objection.

12 ATTORNEY TRYON: Okay.

13 BY ATTORNEY TRYON:

14 Q. So let's get started. First of all, do you have  
15 any questions from yesterday, Ms. Jackson, or anything  
16 you need to correct from what your testimony was  
17 yesterday?

18 A. Not off the top of my head, no.

19 Q. Okay.

20 After your deposition yesterday, did you talk  
21 to your husband or anyone else about your deposition?

22 A. No.

23 Q. Did you talk to your husband about his  
24 deposition?

1 A. No.

2 Q. Okay.

3 So I want to start off talking about BPJ and  
4 when BPJ was born. These are things that seem obvious  
5 to me, but I just want to make sure I understand. When  
6 BPJ was born, BPJ had male body parts.

7 Right?

8 A. Correct.

9 Q. And still has those male body parts.

10 Right?

11 A. Correct.

12 Q. And when BPJ was born you considered BPJ as a  
13 male.

14 Is that true?

15 A. Yes.

16 Q. And at that time did you refer to BPJ as your  
17 son?

18 A. Yes.

19 Q. And did that change at some point?

20 A. Yes.

21 Q. And at some point did --- what changed?

22 A. She started presenting female characteristics  
23 around the age of three.

24 Q. And at some point you started to refer to BPJ as

1 your daughter?

2 A. Yes.

3 Q. When was that?

4 A. I don't know of an exact date.

5 Q. Okay.

6 So you said at about three years old BPJ  
7 started presenting with --- I'm sorry, how did you say  
8 it?

9 A. Female characteristics, mannerisms, those type  
10 of things.

11 Q. And at that point did you start referring to BPJ  
12 as your daughter or was it later?

13 A. It was probably around the age of four.

14 Q. Does BPJ understand or recognize that BPJ was  
15 born as a biological male?

16 ATTORNEY BLOCK: Objection to  
17 terminology, and I will make that a standing objection.

18 THE WITNESS: She was born as a male with  
19 a penis.

20 BY ATTORNEY TRYON:

21 Q. And my question, though, is does --- sorry, does  
22 BPJ currently recognize that BPJ was born as a  
23 biological male?

24 ATTORNEY BLOCK: Objection. Calls for

1 speculation.

2 THE WITNESS: Yes, she knows she was born  
3 as a male.

4 BY ATTORNEY TRYON:

5 Q. Does it cause BPJ distress for someone to refer  
6 to BPJ as a biological male?

7 A. Yes.

8 Q. Can you describe that for me a little bit, that  
9 stress?

10 A. She gets upset, she cries, she gets angry.

11 Q. And when did that start?

12 A. That started at an early age, around three or  
13 four.

14 Q. So at about three or four you said that BPJ  
15 started to present as a female.

16 Did I get that right?

17 A. Yes.

18 Q. Can you tell me what specifically that means to  
19 present as a female?

20 A. From an early age she didn't want to wear male  
21 clothes. She wanted to wear my clothes as dresses.  
22 When she was learning how to go to the bathroom, to  
23 urinate, she didn't want to stand to urinate. She  
24 wanted to sit down to urinate. She didn't understand



1 why she had a penis and I didn't.

2 Q. Anything else?

3 A. She requested at an early age for, I think it  
4 was a birthday present, her own makeup kit.

5 Q. Anything else?

6 A. When she would pose for pictures, she would pose  
7 with her leg tucked in more of a feminine stance.

8 Q. I'm afraid I don't understand that.

9 A. Put your hand on your hip, put your hip out a  
10 little bit and cock your leg.

11 Q. So when you're standing?

12 A. Yeah, like when she is standing for a photo.

13 Q. Anything else?

14 A. Those are what comes to me off the top of my  
15 head.

16 Q. And those were all done at age three or did we  
17 condense that timeframe?

18 A. Like three to four.

19 Q. Three to four. And when BPJ asked why BPJ had a  
20 penis, what was your explanation?

21 A. Because she was born a boy and boys have  
22 penises.

23 Q. And what was BPJ's reaction?

24 A. That that wasn't right.

1 Q. Can you expound on that?

2 A. She didn't, at that point, identify as a male,  
3 so she told me I was incorrect.

4 Q. That you were incorrect that --- that what?

5 A. That she was a male because she had a penis.

6 Q. And so I'm just trying to understand. So BPJ  
7 was saying that BPJ was a female in spite of having a  
8 penis or that BPJ did not have a penis or what? I  
9 honestly don't understand?

10 ATTORNEY BLOCK: Objection, compound.

11 THE WITNESS: She's saying that she has a  
12 penis, but she's not a male.

13 BY ATTORNEY TRYON:

14 Q. That's what BPJ said at three years old?

15 A. Well, she didn't have quite that language. It  
16 was more like I'm a girl.

17 Q. She did know the word penis at the time?

18 A. Yes. We've always used correct terms for  
19 genitalia.

20 Q. And forgive me if this is insensitive, but I'm  
21 just trying to understand. Why did --- how did she no  
22 that you had one and you didn't?

23 A. Because she would follow me into the bathroom.

24 Q. Okay.

1           Did she --- did BPJ recognize that her brothers  
2 were males?

3           A.       She recognized that we referred to them as  
4 males.

5           Q.       Did BPJ ever ask what the difference was between  
6 BPJ and your other sons?

7           A.       No.

8           Q.       Let me ask you to look at Exhibit 30.

9                    ATTORNEY TRYON:   And I will ask the court  
10 reporter to pull that up as well. I lost some video  
11 feed for her, for the witness. There she is.

12                   VIDEOGRAPHER:   You have her pinned?

13                   ATTORNEY TRYON:   No. There we go. Okay.  
14 I pinned Josh. How do I unpin Josh?

15                   VIDEOGRAPHER:   The same way you pinned  
16 him.

17                   ATTORNEY TRYON:   Okay.

18                   Now I got it. Sorry for the delay.

19 BY ATTORNEY TRYON:

20           Q.       Ms. Jackson, have you seen this document before?

21           A.       Yes.

22           Q.       Have you reviewed it before today?

23           A.       When I originally --- when I originally declared  
24 it.

1 Q. And on the last page, that's your signature.

2 Is that right?

3 A. I don't have that page.

4 Q. Okay.

5 I take it back. So page six is the signature  
6 page. Do you have that?

7 A. I have to page five.

8 Q. Okay.

9 I just saw you scroll past it. Right there?

10 Q. Yeah. So you see that?

11 A. Yes.

12 Q. Is that your signature?

13 A. It is.

14 Q. And it was signed on 5/25/2021?

15 A. Yes.

16 Q. So who prepared this document?

17 A. Well, the lawyers would have written it up and I  
18 reviewed it. They --- I told them what I told them and  
19 they typed it.

20 Q. Okay.

21 And is your --- at the time you said this is  
22 true and accurate. Do you still believe the entire  
23 thing is true and accurate to the best of your knowledge  
24 and belief?

1 A. Yes.

2 Q. Great. Let me ask you, first of all, paragraph  
3 four is I'm fiercely protective of BPJ. What do you  
4 mean by that?

5 A. Just as any parent would be fiercely protective  
6 of their child.

7 Q. Then you say, as her mother, I want to see her  
8 be able to achieve all her dreams. Can you tell me what  
9 her dreams are at this point?

10 A. Well, in regards to this, she wanted to be able  
11 to run on the cross-country team, and that is what she  
12 had dreamed of.

13 Q. Was that all you were referring to at the time  
14 you signed this Declaration?

15 A. Well, I want to see her do well in life. I  
16 mean, if she tells me she wants to go to college, I want  
17 to see her achieve that. At the age of 11 they don't  
18 have a whole lot of dreams.

19 Q. When you signed this, did BPJ express any other  
20 dreams that she had --- that he or she had?

21 A. Not that comes to mind.

22 Q. Okay.

23 And then the next --- in paragraph six it says  
24 BPJ from a very young age that she didn't want her boy

1 parts. Was there anything else about that statement  
2 other than what you've already told me?

3 A. No, that's very accurate.

4 Q. Before that it says BPJ is also transgender.  
5 What does that word, transgender, mean to you, as you  
6 signed this?

7 A. She was designated at birth as a male, but she  
8 is a female.

9 Q. And hopefully I'm not repeating from yesterday,  
10 but when you say she is a female that is --- can you  
11 tell me why she is a female?

12 A. She identifies as a female.

13 Q. And just so I'm clear, that's why you say that  
14 BPJ is transgender?

15 A. Correct, she is a female.

16 Q. Okay.

17 Next you say she never wanted to be naked for  
18 bathing because she was deeply uncomfortable with and  
19 did not want to see certain parts of her body. So how  
20 did she bathe?

21 A. She bathed, but we would keep a wet washcloth  
22 over her genitals.

23 Q. What would happen when she saw her genitals?

24 A. She would be deeply upset.

1 Q. Can you explain that to me a little bit? I  
2 don't mean to pry, but what did that mean, that BPJ  
3 would be upset?

4 A. She wouldn't like seeing it. She would be  
5 upset, she would be frustrated, visibly frustrated.

6 Q. Did she yell, cry, scream, say don't look at me?  
7 What happened?

8 ATTORNEY BLOCK: Objection. Compound.

9 THE WITNESS: She would be deeply upset  
10 in the form of she would say I don't want that.

11 BY ATTORNEY TRYON:

12 Q. Did she just say that or did she yell, raise her  
13 voice?

14 A. She would be very stern.

15 Q. When BPJ first was reacting this way, as you  
16 described it, did you insist that BPJ was, in fact, a  
17 male or did you just accept her statement that she was a  
18 female?

19 ATTORNEY BLOCK: Objection to form.

20 THE WITNESS: When she told me she was a  
21 female, I accepted her statement as true.

22 BY ATTORNEY TRYON:

23 Q. From the very first time or did it take some  
24 time to accept that?

1           A.       No, from the first time that she told me she was  
2 a girl I believed that she believed she was a girl.

3           Q.       And then --- but if I remember your earlier  
4 testimony, I think you said that it was a little while  
5 before you started referring to BPJ as your daughter.

6                   Is that right?

7                           ATTORNEY BLOCK:   Objection, MT.

8           BY ATTORNEY TRYON:

9           Q.       Did you answer?

10          A.       Correct.

11          Q.       So let me see if I understand it.  You initially  
12 --- you right away accepted her belief that she was a  
13 female, but didn't actually refer to BPJ as your  
14 daughter until some time later?

15          A.       It took me a while to learn the terminology.

16          Q.       How long did it take you to learn the  
17 terminology?

18          A.       I don't know the answer to that, but for three  
19 years --- for three years I'd been calling her my son so  
20 it took a while.

21          Q.       And what terminology is that?

22          A.       To refer to her as a female.

23          Q.       And where did you learn the terminology, as  
24 you've said it?



1 A. To refer to her as a female?

2 Q. Yes.

3 A. She told me that she is a female.

4 Q. Okay.

5 Well, then I guess I'm misunderstanding,  
6 because you said it took you a while to learn the  
7 terminology. What do you mean by that?

8 A. For three years I had been calling her my son,  
9 so I had to learn to call her my daughter.

10 Q. I get it. You didn't like --- I thought you  
11 meant you had to go read some books or something.  
12 You're not saying that?

13 A. No. I know what a daughter is.

14 Q. Okay. Understood.

15 And paragraph seven says, as a child BPJ also  
16 presented differently from my other children, both of  
17 who are boys. Do either one of your other --- let me  
18 rephrase that. The boys that you --- you have two other  
19 children who are sons.

20 Right?

21 A. Correct.

22 Q. Are either one of them transgender?

23 A. No, they are not.

24 Q. And you --- in paragraph seven you say whenever

1 BPJ was provided with the opportunity to pick out her  
2 clothes or toys, she always went straight for the girly  
3 items. Can you tell me what those girly items --- what  
4 that means?

5 A. She would want to shop in the girls sections of  
6 the stores. She wanted dresses and lacy tutus, sparkly  
7 clothes. She wanted the girls clothes.

8 Q. Anything else?

9 A. Same thing with shoes. She wanted the girls  
10 shoes.

11 Q. What toys are you referring to as girly items?

12 A. Toys would be her dolls that she would have  
13 growing up.

14 Q. What kind of dolls?

15 A. Plush.

16 Q. So like girl dolls or animal dolls? I'm not  
17 sure I understand.

18 A. Girl dolls that are plush.

19 Q. And paragraph eight is when BPJ told us that she  
20 was a girl and wants to be dressed as a girl, I was not  
21 surprised because I spend so much time with her, can you  
22 expound on that?

23 A. Well, when I'm not at work, I'm with her.

24 Q. So how much time do you spend with her?

1 A. I am with her other than nine hours a day.

2 Q. Paragraph nine ---.

3 ATTORNEY TRYON: Can I ask the court  
4 reporter to take control and scroll down? Thank you.

5 BY ATTORNEY TRYON:

6 Q. Because BPJ and I have such an open  
7 communicative relationship we have --- would have  
8 conversations about how she was feeling. Can you tell  
9 me about those conversations?

10 A. Conversations in regards to how she is feeling  
11 regarding she didn't want her penis, that she identified  
12 as a female.

13 Q. And then the next sentence, the last part says  
14 more, she was able to clearly communicate that she knew  
15 she was a girl. What do you mean by more clearly  
16 indicates?

17 A. As she learned language skills as she grew up.

18 Q. So what language skills --- and what language  
19 changed for her to communicate that?

20 A. As her vocabulary increased.

21 Q. So for example, what additional words was she  
22 using?

23 A. She would use the word vagina when she learned  
24 that term. She would use the term breasts when she

1 learned that term. She learned the term brassiere.

2 Q. When BPJ first informed you that BPJ was a girl,  
3 did you --- did this cause you any concern or stress or  
4 anxiety?

5 A. I worried about any sort of --- I don't know  
6 what the word is I'm looking for --- discrimination she  
7 might receive.

8 Q. Did you at that time --- at that time had you  
9 heard of the term transgender?

10 A. Yes.

11 Q. And in what context had you already heard the  
12 term transgender?

13 A. I'm sorry. Could you repeat that?

14 Q. Sure. In what context had you heard the term  
15 transgender?

16 A. Just in referring to people as transgender.

17 Q. Had you known anybody that was transgender  
18 before BPJ told you that BPJ was a girl?

19 A. I did not.

20 Q. Were you surprised when BPJ announced that BPJ  
21 was a girl?

22 A. No.

23 Q. Why is that?

24 A. She had been presenting as a girl.

1 Q. I see. So you expected BPJ at some point to  
2 tell you that BPJ was a girl?

3 A. Yes.

4 ATTORNEY BLOCK: Objection, MT.

5 BY ATTORNEY TRYON:

6 Q. Back in --- at the end you say you knew this was  
7 not a phase for her and that there was something  
8 different happening. How did you know it was not a  
9 phase?

10 A. It never went away. It just became more  
11 intense. I had already raised two sons and realized  
12 that she was a girl. She was being raised as a  
13 daughter. She was telling me that she was a girl.

14 Q. At what point did you conclude that it was not a  
15 phase?

16 A. I don't know a date for that.

17 Q. Well, was it before --- I presume it was after  
18 BPJ announced that BPJ was a girl.

19 Is that right?

20 A. Yes, but I don't know the date of that either.

21 Q. But you believe it was approximately at age  
22 three?

23 A. Three to four.

24 Q. At some point did BPJ say that BPJ wanted

1 breasts?

2 A. Yes.

3 Q. Do you remember when that was?

4 A. I don't remember the date.

5 Q. Was it in the past two years or do you recall at  
6 all?

7 A. I don't recall.

8 Q. And why did BPJ want breasts?

9 A. Because girls have breasts.

10 Q. Does BPJ understand at that time --- let me  
11 start that over. At that time, when BPJ said that BPJ  
12 wanted breasts, did BPJ understand the purpose of  
13 breasts?

14 ATTORNEY BLOCK: Objection, calls for  
15 speculation.

16 THE WITNESS: I don't know that she knew  
17 the purpose of breasts, no.

18 BY ATTORNEY TRYON:

19 Q. Have you ever informed BPJ or had BPJ somehow  
20 learned the purpose of breasts?

21 ATTORNEY BLOCK: Objection to form.

22 THE WITNESS: She knows she was breastfed  
23 as a child, so she knows that milk comes out of them.

24 BY ATTORNEY TRYON:

1 Q. Had you ever had any discussions with BPJ about  
2 the purpose of breasts?

3 A. No.

4 Q. Do you know if BPJ expects that once --- if BPJ  
5 has an operation to give --- to put breasts in place,  
6 does BPJ expect the ability to lactate?

7 ATTORNEY BLOCK: Objection. Objection to  
8 form and calls for speculation.

9 THE WITNESS: Yeah, we've never had that  
10 discussion.

11 BY ATTORNEY TRYON:

12 Q. So you don't know?

13 A. I would presume that she knows that it doesn't  
14 work that way because she knows she can't have children.  
15 She can't give birth.

16 Q. Okay.

17 And how do you know that?

18 A. Because we've talked about that.

19 Q. Tell me about that conversation.

20 A. That she doesn't have a uterus and that's what  
21 you carry a baby in, is a uterus.

22 Q. Do you recall when you had that discussion?

23 A. I don't know the date.

24 Q. Was it within the past year?

1 A. I don't know when it was.

2 Q. Was it before or after this lawsuit was filed?

3 A. I don't know the answer to that.

4 Q. Did that cause distress to BPJ to know that BPJ  
5 would not be able to have children?

6 A. No.

7 Q. Does BPJ --- let me rephrase that. Has BPJ told  
8 you that BPJ wants a vagina?

9 A. Yes.

10 Q. Do you remember when that was?

11 A. I do not know the date.

12 Q. And do you know why BPJ wants to have a vagina?

13 A. Because she's a girl.

14 Q. And for BPJ that's an indicator that BPJ is a  
15 girl?

16 A. She wants to be a girl. She is a girl. She  
17 wants the genitalia to match.

18 Q. Well, I want to ask this question again. It's  
19 important for me to understand the situation. Has BPJ  
20 thought about this in the context of sexual relations?

21 A. No.

22 ATTORNEY BLOCK: Objection to form and  
23 calls for speculation.

24 BY ATTORNEY TRYON:



1 Q. And how do you know that BPJ has not ---?

2 A. We have not talked about sexual relations.  
3 She's 11.

4 Q. Fair enough.

5 ATTORNEY TRYON: Paragraph ten, if the  
6 court reporter can put the document back up on the  
7 screen.

8 BY ATTORNEY TRYON:

9 Q. By the time BPJ was in the third grade she had  
10 chosen her name and was living as herself at home. What  
11 name did she choose?

12 A. She chose the name B[REDACTED].

13 Q. Do you know why she chose the name B[REDACTED]?

14 A. She said she liked the name.

15 Q. Did she talk to you about it before choosing the  
16 name?

17 A. Nope. She told me that that was the name she  
18 was picking.

19 Q. So paragraph ten says third grade. How old was  
20 BPJ at that time?

21 A. I don't know how old someone is in the third  
22 grade.

23 Q. I'm asking how old BPJ was at the time that BPJ  
24 went into the third grade.

1           A.       I don't know off the top of my head how old you  
2       are when you enter into third grade.

3           Q.       Do you know how old BPJ was when BPJ entered  
4       kindergarten?

5           A.       She was five.

6           Q.       So then in the third grade, would that make BPJ  
7       eight?

8           A.       Roughly.

9           Q.       So between third grade and eighth grade in the  
10      public she presented outwardly as a male?

11                    ATTORNEY BLOCK:   Objection.

12                    ATTORNEY TRYON:   I don't think I said  
13      that right.   Let me try that again.   Apologize.

14      BY ATTORNEY TRYON:

15           Q.       Between the age of three and eight do I  
16      understand correctly that she presented to the general  
17      public as a male?

18           A.       At school.

19           Q.       Okay.

20                    And what about outside school?

21           A.       It would depend on the function.   If it was  
22      around family, she presented as a female and wore female  
23      clothes.   If it was a function she didn't feel  
24      comfortable in, like a funeral, she would present as she

1 would in school.

2 Q. As a boy?

3 A. She would wear male clothes.

4 Q. And thank you for that clarification. So ---  
5 and then so she would dress as a boy at school and then  
6 would she come home and change?

7 A. Immediately.

8 Q. And did BPJ --- when you say BPJ was around  
9 family, do you mean just your immediate family or  
10 extended family?

11 A. Extended family.

12 Q. And who would that extended family be just so I  
13 understand your term?

14 A. Aunts, uncles, grandparents.

15 Q. Did anyone express a surprise at the beginning  
16 that BPJ was now dressing as a boy (sic)?

17 A. Not to me they didn't.

18 Q. So to this day, no one outside your immediate  
19 family has --- let me rephrase it. To this day, no one  
20 in your extended family has ever said why is BPJ  
21 presenting as a --- or dressed as a boy when BPJ is a  
22 girl? No, let me start that all over again.

23 Let me see if I understand this. When BPJ was  
24 between the ages of three and eight when BPJ was around

1 extended family BPJ would dress as a girl.

2 Is that right?

3 A. Correct.

4 Q. Okay.

5 I got a little confused. And during all that  
6 time none of your extended family ever said to you or  
7 anyone else that you were able to hear why is BPJ  
8 wearing girl's clothing when BPJ is a boy?

9 ATTORNEY BLOCK: Objection to form.

10 THE WITNESS: Are you asking if they  
11 expressed it to me?

12 BY ATTORNEY TRYON:

13 Q. Either to you or someone you heard them say it  
14 to?

15 A. Well, when she was first introduced in female  
16 clothes they asked why, and I said she is a girl.

17 Q. And what was their reaction?

18 A. Oh.

19 Q. That was it?

20 A. That is it.

21 Q. Okay.

22 When BPJ would go to school dressed as a boy  
23 prior to the third grade, did that cause BPJ any  
24 distress?

1           A.       She didn't like dressing as a boy, but she was  
2 worried about being made fun of at school if she dressed  
3 like a girl.

4           Q.       Can you repeat your answer there?

5           A.       She didn't like dressing as a boy at school.

6           Q.       But she --?

7           A.       But she did because she was afraid that she  
8 would be made fun of if she dressed as a girl at school.

9           Q.       Thank you.

10                  When BPJ started wearing a dress at school did  
11 BPJ get made fun of?

12           A.       No.

13           Q.       Now, when you say when BPJ came home BPJ would  
14 change into girl's clothing, does that mean always a  
15 dress or something else?

16           A.       Oh, it could be leggings, it could be her  
17 pajamas, not necessarily always a dress.

18           Q.       That's what I'm wondering, because girls many  
19 times wear pants. So does BPJ now that BPJ is  
20 identifying as a girl wear jeans or pants to school?

21           A.       She does not wear jeans.

22           Q.       Other pants?

23           A.       She wears leggings.

24           Q.       Why not jeans?

1 A. She doesn't like jeans.

2 Q. I want to shift gears a little bit here. So BPJ  
3 had a different birth name than B[REDACTED].

4 Correct?

5 A. Correct.

6 Q. And does it disturb you to see or hear BPJ's  
7 birth name?

8 A. Disturb? I don't understand what you mean by  
9 disturb.

10 Q. Does it cause you any anxiety to see BPJ's birth  
11 name, for example, on the Birth Certificate or other  
12 places where it's been written down?

13 A. Oh, it just seems foreign to me because she's  
14 been B[REDACTED] for so long.

15 Q. Does it cause distress for BPJ to see BPJ's  
16 birth name?

17 A. Yes, it does.

18 Q. Can you describe that? And forgive me if you've  
19 already told me this yesterday, and I may have  
20 forgotten, but does it --- tell me about what that  
21 distress is.

22 A. She gets angry and upset and doesn't understand  
23 why her dead name is on there.

24 Q. Where did you learn the term dead name?

1 A. From B [REDACTED].

2 Q. How did B [REDACTED] learn the term dead name?

3 ATTORNEY BLOCK: Speculation.

4 THE WITNESS: I don't know.

5 BY ATTORNEY TRYON:

6 Q. When did B [REDACTED] start using term dead name?

7 ATTORNEY BLOCK: Objection.

8 THE WITNESS: I don't know the name.

9 BY ATTORNEY TRYON:

10 Q. Was it before or after the lawsuit was filed?

11 A. Before.

12 Q. More than a year before that?

13 A. I don't know.

14 Q. Can you give me any kind of approximation at all  
15 when BPJ started using the term dead name?

16 A. No, I cannot.

17 Q. Well, do you know if BPJ initially heard that  
18 from lawyers?

19 ATTORNEY BLOCK: Objection, calls for  
20 speculation.

21 THE WITNESS: I don't know where she  
22 heard it from.

23 BY ATTORNEY TRYON:

24 Q. When is the first time you heard it? From B [REDACTED]

1 I think you said, is that right or not?

2 A. B [REDACTED] told me the name --- the term dead name.

3 ATTORNEY TRYON: Let's go off the record  
4 for just a moment.

5 VIDEOGRAPHER: Going off the record. The  
6 current time reads 12:01 p.m.

7 OFF VIDEOTAPE

8 ATTORNEY TRYON: So I'm about to get into  
9 a different line of questioning. I want to be  
10 respectful about everybody's thoughts about lunch. I'm  
11 happy to keep on going for another half-hour or hour,  
12 but I just want to make sure that --- I want to be  
13 respectful with other people's feelings on that. Well,  
14 hearing no objection, I'm going to keep going unless  
15 somebody speaks up, including you, ma'am. If you ---  
16 you're the star here. You and the court reporter are  
17 the most important people here, so if you feel the need  
18 to take a break ---.

19 THE WITNESS: I'm okay.

20 ATTORNEY TRYON: Okay.

21 ATTORNEY DUCAR: Can we take five  
22 minutes?

23 ATTORNEY TRYON: Yes.

24 ATTORNEY DUCAR: Thank you.





1 Q. And what was the sport she became interested in?

2 A. Cheerleading.

3 Q. What was her interest?

4 A. She liked to cheer.

5 Q. Since I haven't been a cheerleader, can you tell  
6 me what that means that she liked to cheer?

7 A. So she would go to the games, hers would have  
8 been football, and you cheer for your team. You learn  
9 the routines and you learn the cheers.

10 Q. And I believe you told me at that time she was  
11 identifying as a female.

12 Is that right?

13 A. Correct.

14 Q. And the team that she was watching, was that a  
15 school team or some other type of team?

16 A. Bridgeport Youth Football League.

17 COURT REPORTER: I'm sorry, what football  
18 league did you say, ma'am.

19 THE WITNESS: Bridgeport Youth.

20 BY ATTORNEY TRYON:

21 Q. Is that a school-sponsored team?

22 A. It is not sponsored by the school, it's  
23 sponsored by the counties.

24 Q. And is there a sponsor for the cheer team or was

1     there at the time?

2           A.     All inclusive with the football team, if that's  
3     --- I'm guessing. I think that's what you're asking.

4           Q.     Yes. That answers my question.

5                   Were there any boys on that cheer team?

6           A.     There were not.

7           Q.     Did you attend those games with BPJ?

8           A.     Yes.

9           Q.     How often did you go to those games?

10          A.     Every time they had one.

11          Q.     Was that just because you were interested in  
12     those football games or did one of your other children  
13     play in the football game?

14          A.     One year I had a son who played on the football  
15     team. Another year I did not have a son that played on  
16     the football team.

17          Q.     And you went anyway?

18          A.     Absolutely.

19          Q.     Is that because you like football or is it  
20     because BPJ liked football? Why was that?

21          A.     I like football.

22          Q.     And did BPJ express any interest in playing on  
23     the football team?

24          A.     No.

1 Q. But BPJ was interested in the cheer team, as I  
2 recall from some things that I read, at that time just  
3 interested but was not part of the team.

4 Is that right?

5 A. Correct.

6 Q. And as I recall from something I read, BPJ then,  
7 before getting on the team, learned some of the cheers.

8 Is that right?

9 A. Correct.

10 Q. And was it the very next year when BPJ joined  
11 the cheer team or not?

12 A. Yes.

13 Q. So in the fifth grade BPJ was on the cheer team?

14 A. Correct.

15 Q. Were there tryouts for the cheer team?

16 A. There were not tryouts.

17 Q. So just anybody who wanted to be on the cheer  
18 team could be on the cheer team?

19 A. Yes. You had to present the proper  
20 documentation. You had to fill out the forms and give a  
21 Birth Certificate and a physical.

22 Q. Was that cheer team open for both boys and  
23 girls?

24 A. I don't know the answer to that.

1 Q. Did they ask you when you presented your  
2 documentation or when BPJ applied in some fashion if BPJ  
3 was a boy or a girl?

4 A. They did not ask me.

5 Q. Forgive me. I can't find it in my notes. At  
6 fourth grade was BPJ already dressing as a female at  
7 school?

8 A. Yes.

9 Q. Did your husband go to any of those football  
10 games with you and BPJ?

11 A. Yes. Like which year, though?

12 Q. The first year before BPJ was on the cheer team?

13 A. Yes.

14 Q. And what about the year once BPJ was on the  
15 cheer team?

16 A. When work permitted he would go.

17 Q. Did you encourage BPJ to sign up for the cheer  
18 team?

19 A. She told me she wanted to sign up for the cheer  
20 team.

21 Q. And then did you encourage her to do so or just  
22 say whatever you want to do or something like that?

23 A. I said if she wants to cheer ---.

24 ATTORNEY BLOCK: Objection to form.

1                   THE WITNESS: I said said if she wanted  
2 to cheer --- I said if she wanted to cheer, she could  
3 cheer.

4 BY ATTORNEY TRYON:

5       Q.       It required your parent consent I presume.

6               Is that right?

7       A.       Correct.

8       Q.       Would that be just either your consent or your  
9 husband's or both?

10      A.       Either/or.

11      Q.       At that time in the third grade did BPJ express  
12 any interest in any other sports?

13      A.       There are no other sports available to her.

14      Q.       Why?

15      A.       They didn't offer anything at her school.

16      Q.       You mean in that grade?

17      A.       Yeah.

18      Q.       And then after that did BPJ want to be involved  
19 in any other sports?

20      A.       After that when?

21                   ATTORNEY BLOCK: Objection, vague.

22                   ATTORNEY TRYON: Thank you for the  
23 clarification.

24 BY ATTORNEY TRYON:

1 Q. After the fourth grade did --- either in or  
2 after the fourth grade did BPJ become interested in any  
3 other sports?

4 A. She wanted to run, but there was no running  
5 sport available to her at her age.

6 Q. Okay.

7 About what grade or age was that when BPJ was  
8 interested?

9 A. In the --- let's see, that would have been the  
10 fifth grade.

11 Q. The fifth grade?

12 A. The fifth grade, she's interested in running.

13 Q. So going into the fifth grade or while she was  
14 in the fifth grade?

15 A. I'm not sure of the date.

16 Q. Okay.

17 But initially there was no track team --- I'm  
18 sorry, you said cross-country.

19 Right?

20 A. Right. Correct.

21 Q. So at that point there was no cross-country  
22 available for BPJ because of BPJ's age?

23 A. Correct.

24 Q. Were there other track sports that BPJ was

1 interested in?

2 A. Just running.

3 Q. Right. So running encompasses --- and I'm no  
4 expert on track, but I thought that track included  
5 cross-country and other running events.

6 Is that right or wrong?

7 A. Track can do running and other field events.

8 Q. So was it just cross-country that BPJ was  
9 interested in or other running events?

10 A. That's what we were focusing on at the time  
11 because that's what she knew.

12 Q. Why did she know --- when you say that you are  
13 talking about cross-country?

14 A. Cross-country, yes.

15 Q. And why was that what she knew?

16 A. Because her --- her siblings ran cross-country.

17 Q. So was BPJ interested in any kind of  
18 cross-country or specific cross-country events?

19 ATTORNEY BLOCK: Objection, vague.

20 THE WITNESS: Yeah, I don't understand  
21 the question. Cross-country is cross-country.

22 BY ATTORNEY TRYON:

23 Q. Okay.

24 So some places have --- I don't know this. I



1 will ask this. As far as I know, there is boys  
2 cross-country and girls cross-country. And I presume  
3 there may also be coed cross-country teams.

4 Do you know about that?

5 ATTORNEY BLOCK: Objection to form.

6 THE WITNESS: The only one that was  
7 available was in the sixth grade, and it was a boys  
8 cross-country and a girls cross-country.

9 BY ATTORNEY TRYON:

10 Q. And as I understand it, BPJ prefers to try out  
11 for the girls cross-country team.

12 Right?

13 A. Yes, because she's a girl.

14 Q. Okay.

15 I just want to establish first that is what she  
16 wanted, she wanted to try out for the girls  
17 cross-country team.

18 Right?

19 A. Yes.

20 Q. And did she ever say I don't want to try out for  
21 the boys cross-country team?

22 A. Correct.

23 Q. And she said that because I'm a girl, I want to  
24 be on the girls cross-country team or words to that

1 effect?

2 A. She said she wanted to run with the girls on the  
3 girls cross-country team.

4 Q. Did she have any friends who were girls that  
5 were on the team already?

6 A. She knew of some people that were not in her  
7 grade that were in cross-country that were friends with  
8 her brother.

9 Q. And those were girls or boys?

10 A. Girls.

11 Q. Did she know any boys that were on the boys  
12 cross-country team?

13 A. Her siblings.

14 Q. Great. Anybody else of her age group?

15 A. Not that I know of.

16 Q. From what I've read, I gather that the tryouts  
17 for the girls cross-country team are competitive.

18 Is that your understanding?

19 A. Correct.

20 Q. And then once you get on the cross-country team,  
21 are the races themselves competitive?

22 A. Correct.

23 Q. And did BPJ want to be competitive or just only  
24 participate and she didn't care if she won?

1 A. Oh no, she --- she was competitive.

2 Q. So she wanted to win?

3 A. Yeah.

4 Q. And did she work hard at it?

5 A. She trained every day.

6 Q. And how did she do?

7 A. She ran cross-country.

8 Q. Okay.

9 How did she do compared to others?

10 A. She never finished first. She never finished  
11 second.

12 Q. She wanted to finish first or second, though, I  
13 take it?

14 A. Every kid wants to.

15 Q. I'm sorry?

16 A. Every kid wants to finish first.

17 Q. Including her, right?

18 A. Yes.

19 Q. Do the boys and girls cross-country teams ever  
20 compete against each other?

21 A. There are races where they call them one and  
22 done, where everybody runs together. And there are  
23 races where they are separated out. It just depends on  
24 the format of the host school.

1 Q. So the ones --- they call them won and done.

2 Is that right?

3 A. Yes.

4 Q. That means everybody runs together, all the boys  
5 and all the girls?

6 A. Correct.

7 Q. Have you ever observed any of those?

8 A. I believe there was one last year.

9 Q. Did you go do that?

10 A. Yeah.

11 Q. And did BPJ participate in that?

12 A. Yes.

13 Q. How did BPJ do?

14 A. She didn't finish last.

15 Q. Okay.

16 Did BPJ finish ahead of any of the boys?

17 A. Yes.

18 Q. And did --- how many boys was she faster than?

19 A. I don't know the answer to that.

20 Q. Do you know how many kids were in that  
21 particular race?

22 A. No, I don't.

23 Q. Do you remember what the name of that event was?

24 A. No, I don't.

1 Q. Do you remember where it was or what school it  
2 was at?

3 A. No, I don't.

4 Q. Okay.

5 When BPJ --- let me back up. BPJ, she made the  
6 team obviously.

7 Right?

8 A. Correct.

9 Q. Were any of the other people who tried out for  
10 it, did they not get on the team?

11 A. I don't know the answer to that. I don't know  
12 --- I'm not privy to that information, as to who tried  
13 out and who made it.

14 Q. Well, I'm going to ask you this question. I  
15 think based on our discussions yesterday I think I know  
16 the answer, but I'm going to ask it anyway just to make  
17 sure I understand, but do you think that boys on the  
18 boys cross-country team should be allowed to compete  
19 against the girls on the girls cross-country team?

20 A. If they identify as female? Is that what you're  
21 asking, if they identify as female?

22 Q. Well, let's start with that. If they identify  
23 as female, should they be allowed to compete against the  
24 girls on the girls cross-country team?

1 A. Anybody who identifies as female should be able  
2 to run on the girls cross-country team.

3 Q. And as to boys who do not identify as girls,  
4 should they be allowed to run on the girls  
5 cross-country?

6 A. It is not permitted at the school that she's at.

7 Q. And do you have an opinion if they should be  
8 allowed to?

9 A. If there's a boys team, that they're running on  
10 the boys team if they don't identify as female.

11 Q. So you don't think they should be allowed to run  
12 on the girls team unless they identify as a girl.

13 Is that right?

14 A. I believe that anybody who identifies as female  
15 should be able to run on the female's cross-country team  
16 or track team or ---.

17 Q. Right. But my question is if a boy, not  
18 identifying as a girl, just wants to compete against the  
19 girls on the cross-country team for girls, do you think  
20 that should be allowed or not?

21 A. Is there a boys team available?

22 Q. Yes.

23 A. Then I would think they would run on the boys  
24 team.

1 Q. What if they just want --- what if they just  
2 wanted to run on the girls team instead without  
3 identifying as a girl, do you think that person should  
4 be allowed to?

5 A. I don't know that I understand the question.

6 Q. Okay.

7 We'll move on.

8 ATTORNEY TRYON: Let me just take a break  
9 here and determine if I can skip some of my questions  
10 here to speed things up. Give me just a moment.

11 VIDEOGRAPHER: Do we want to go off the  
12 record or just stay on?

13 ATTORNEY BLOCK: Let's go off the record.

14 ATTORNEY TRYON: Just a minute. I will  
15 be right back. Just a minute.

16 ATTORNEY BLOCK: So we're off the record.

17 VIDEOGRAPHER: Yeah, we're off the record  
18 at 12:29 p.m.

19 OFF VIDEOTAPE

20 ---

21 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

22 ---

23 ON VIDEOTAPE

24 VIDEOGRAPHER: We are back on the record.

1 The current time reads 12:33 p.m.

2 ATTORNEY TRYON: Thank you.

3 BY ATTORNEY TRYON:

4 Q. Just to clarify one thing that we were  
5 discussing and you used term identify as a female. Can  
6 you tell me what you understand that means, to identify  
7 as a female?

8 A. Choose to live your life as a female because you  
9 are a female.

10 Q. So we were talking about boys and girls  
11 cross-country teams and other running events. And  
12 yesterday we talked about if you were aware of any  
13 statistics on how fast boys and girls can run. I want  
14 to ask you would it surprise you to know that there are  
15 statistics that show on average 11-year-old biological  
16 boys are about 20 percent faster than 11-yearold  
17 biological girls in the one-mile run.

18 ATTORNEY BLOCK: Objection to form and  
19 terminology. And I will make the terminology a standing  
20 objection.

21 THE WITNESS: I don't know that I'm  
22 surprised. I don't know that I'm not surprised.

23 BY ATTORNEY TRYON:

24 Q. In the context of cross-country, does BPJ take



1 showers or change clothing at school?

2 A. She changes into her uniform at school.

3 Q. Does she use the locker room to do that?

4 A. She uses a private bathroom by the counselor's  
5 office to do that.

6 Q. Who may use that private bathroom?

7 A. I don't know who beside her uses that bathroom.

8 Q. Is it just a unisex bathroom or what?

9 A. Again, I don't know who all uses it to be boys  
10 or girls or both. I don't know.

11 Q. Have you been in it?

12 A. I've seen it.

13 Q. Okay.

14 And so can you describe it for me? Does it  
15 just have one toilet in there and a sink or more than  
16 that?

17 A. Yes, just one.

18 Q. So one person can go in there, shut the door,  
19 lock it and use the facilities.

20 Is that right?

21 A. Correct.

22 Q. And is BPJ satisfied with that arrangement?

23 A. She doesn't mind it. She would rather use the  
24 female facilities, but she doesn't mind it. She says it

1 has the good toilet paper.

2 Q. Well, that's a good reason to use it. Is there  
3 a reason that BPJ does not use the female facilities?

4 A. She was told at the school that that was the  
5 bathroom that she is supposed to use.

6 Q. Have you objected to that arrangement?

7 A. I have not.

8 ATTORNEY TRYON: Okay.

9 It's 12:37. I would propose to change  
10 topics and move forward unless you people want to take  
11 lunch now. If I keep going forward, I would probably on  
12 this next topic go until past 1:00. So we can either go  
13 for another half hour or so or we can take a break now.  
14 Whatever you prefer. Ma'am, what is your preference?

15 THE WITNESS: I'm fine to go another half  
16 hour.

17 ATTORNEY TRYON: And Josh, are you okay  
18 with that.

19 ATTORNEY BLOCK: I prefer to keep going,  
20 yes.

21 ATTORNEY TRYON: Very good.

22 BY ATTORNEY TRYON:

23 Q. When you first --- let me back up and ask a  
24 different question. Are you familiar with the term

1 gender dysphoria?

2 A. Yes.

3 Q. When did you first become aware of that term?

4 A. When my daughter was diagnosed with gender  
5 dysphoria.

6 Q. So when BPJ was approximately three or four and  
7 said I am a girl, you were not aware of that term.

8 Is that correct?

9 A. No. When she first told me that she was a girl,  
10 I was not aware of that.

11 Q. And how did your husband react when BPJ said  
12 that BPJ was a girl, not a boy?

13 A. How did he react to me?

14 Q. To the announcement, whether it came from you or  
15 from BPJ?

16 A. Concerned.

17 Q. Did he learn about it at approximately the same  
18 time that you did?

19 A. Yeah.

20 Q. When you say concerned, can you explain that a  
21 little better?

22 A. Concerned about any sort of discrimination that  
23 she may have later in life.

24 Q. Was he at all distressed to learn that the child

1 who he believed to be his son was now claiming to be a  
2 daughter?

3 ATTORNEY BLOCK: Objection to the form  
4 and argumentative.

5 THE WITNESS: I don't know if he was  
6 upset.

7 ATTORNEY TRYON: Can you look at  
8 Exhibit 17 with me, please?

9 BY ATTORNEY TRYON:

10 Q. Let me know when you have that in front of you.

11 A. I do.

12 Q. This is fairly a short document so take a look  
13 through there and let me know when you are able to  
14 familiarize yourself with it.

15 ATTORNEY TRYON: If counsel would like us  
16 to scroll through that, let me know and we'll have the  
17 court reporter do that.

18 ATTORNEY BLOCK: I'm fine without the  
19 scrolling.

20 BY ATTORNEY TRYON:

21 Q. Have you seen this document before?

22 A. Yes.

23 Q. When did you first see this?

24 A. When we filled it out.

1 Q. Is this your handwriting?

2 A. No, that's not my handwriting.

3 Q. Do you know whose handwriting that is?

4 A. The person that filled it out.

5 Q. Okay.

6 Is that somebody at the school?

7 A. Yes.

8 Q. And just for the record, this a Gender Support  
9 Plan dated 8/23/19. So were you in the meeting where  
10 this was filled out?

11 A. Yes.

12 Q. And there was some sort of meeting?

13 A. Yes, it was individuals in a room with paper.

14 Q. And on the last page it shows what appears to be  
15 a signature of B[REDACTED]. Would that be BPJ?

16 A. Yes.

17 Q. And at the time that this was filled out on  
18 August 23, 2019, you reviewed it at that time?

19 A. Was I what at that time?

20 Q. Did you --- did you fill --- I'm sorry, did you  
21 review it at that time?

22 A. Yes, yes.

23 Q. And did BPJ review it at that time?

24 A. She didn't review the document. She was in the

1 meeting.

2 Q. Is there a reason that she did not review it?

3 A. No reason.

4 Q. In the first paragraph, under where it says  
5 parent/guardian involvement ---

6 A. Correct.

7 Q. --- the language there says mom very supportive,  
8 dad has struggled but coming around, seeking outside  
9 help through church and parental side of families  
10 help/support?

11 ATTORNEY BLOCK: Objection. You misread  
12 the document.

13 ATTORNEY TRYON: Oh, I'm sorry. What did  
14 I miss.

15 ATTORNEY BLOCK: Paternal instead of  
16 parental.

17 BY ATTORNEY TRYON:

18 Q. Ma'am, can you help me out here? To me it looks  
19 like it says paternal?

20 ATTORNEY BLOCK: Yeah. I think you said  
21 parental unless I misheard.

22 ATTORNEY TRYON: Oh, okay.

23 BY ATTORNEY TRYON:

24 Q. So my question then is when it says dad

1 struggled, what's that referring to?

2 A. He was concerned, but on page three it says  
3 parents are supportive.

4 Q. I understand. We can get to page three in a  
5 minute, but when it says dad had struggled, does that  
6 mean that he was uncomfortable with what I'll  
7 characterize as the changing of BPJ's gender?

8 A. He was ---.

9 ATTORNEY BLOCK: Objection to form.

10 THE WITNESS: He was worried about any  
11 sort of discrimination.

12 BY ATTORNEY TRYON:

13 Q. And then but coming around, what does but coming  
14 around mean?

15 A. I don't know.

16 Q. Well, you gave the information --- let me strike  
17 that.

18 Who gave the information to the person filling  
19 this out?

20 A. I don't know if she paraphrased or what, but it  
21 doesn't look like it's a quote.

22 Q. Who gave the information to the person filling  
23 this out?

24 A. She would have been questioning me.

1 Q. Not BPJ?

2 A. BPJ was in the meeting, but I don't believe she  
3 was questioned directly in regards to that.

4 Q. The next part says seeking outside help through  
5 church. What outside help was dad seeking through  
6 church?

7 A. Talking to the minister.

8 Q. About what?

9 A. Trying to reconcile religion and his daughter.

10 Q. And what reconciliation was that?

11 A. I don't know. I wasn't privy to those  
12 conversations.

13 Q. Did you tell the person filling out this form  
14 that dad was seeking outside help through the church?

15 A. Yes.

16 Q. Which church is that, by the way?

17 A. He goes to a different church than me.

18 Q. Do you know what denomination?

19 A. It's the --- it's the Church of God, whatever  
20 denomination that is.

21 Q. And you don't go to that church?

22 A. I don't go to that church.

23 Q. But he told you that he was seeking help from  
24 the church?



1                    ATTORNEY BLOCK:    Objection.    Objection  
2    marital communication, privileged.

3    BY ATTORNEY TRYON:

4            Q.        Well, don't tell me the exact --- just tell me  
5    in general if that was the purpose of seeking help.

6            A.        He was trying to reconcile religion versus his  
7    daughter.

8            Q.        Do you know what that religion believes with  
9    respect to this issue?

10          A.        No, I don't go to that church.

11          Q.        And then it says and paternal side of family's  
12    help/support.    Can you explain what you meant when you  
13    conveyed that information ---?

14          A.        They are also members of that church.

15          Q.        Down further at the bottom of that page it says  
16    B[REDACTED] is comfortable with others knowing her gender  
17    identity and transition.    Can you explain to me what was  
18    --- well, let me back up.    Does that accurately  
19    represent what you told the person filling out this  
20    form?

21          A.        Yes.

22          Q.        Can you explain to me a little more about what  
23    that means that she's --- that B[REDACTED] is comfortable with  
24    others knowing her gender identity and transition?

1           A.       Just that --- it's just that. She is  
2 comfortable with others knowing. She'll talk to you  
3 about it if you want to.

4           Q.       So she's comfortable talking about the  
5 transition from being a boy to a girl?

6                    ATTORNEY BLOCK: Objection to  
7 terminology. I'll make that a standing objection.

8                    THE WITNESS: She's comfortable with  
9 explaining her transgender identity.

10           BY ATTORNEY TRYON:

11           Q.       Does that include explaining that I was once a  
12 boy and now I'm a girl, however --- you know, I'm not  
13 trying to put it in --- those words in anybody's mouth.  
14 That's the concept I'm trying to understand.

15           A.       I've never witnessed a conversation where that  
16 was said.

17           Q.       Okay.

18                    Then how do you know what BPJ was comfortable  
19 with?

20           A.       Because I've witnessed her talking to people  
21 about her transgender identity.

22           Q.       Great. And so what have you observed her  
23 saying?

24           A.       That she is transgender and that she is living

1 life as a female.

2 Q. Anything beyond that?

3 A. I would have to have a specific question.

4 Q. Anything else you can remember right now?

5 A. No.

6 Q. On the next page ---.

7 ATTORNEY TRYON: And Counsel, if you need  
8 me to bring up the page, please say so. Oh, great, it's  
9 being brought up. Okay.

10 BY ATTORNEY TRYON:

11 Q. Gender will be male, do you see that part down  
12 almost at the bottom?

13 A. Oh, yeah, I see that.

14 Q. But B [REDACTED] will be in parentheses next to birth  
15 name. So why would the gender be male?

16 A. I think it has to do with the WEVAS System.

17 Q. Can you explain that?

18 A. No, I don't understand WEVAS at all.

19 Q. Okay.

20 When this was filled out, you can see on that  
21 page, for example, what name and gender marker are  
22 listed on the student's identity documents, and there is  
23 what we call a redaction, a black mark.

24 A. Okay.

1 Q. That covers up some information. Would that  
2 information have been BPJ's birth name?

3 A. Yes.

4 Q. So remind me, did BPJ read this document before  
5 she --- before BPJ signed it?

6 A. She was in the meeting, but she didn't read it  
7 line for line, no.

8 Q. Okay.

9 But did sign it?

10 A. Yes. We were to sign it that we were present.

11 Q. On the page marked at the lower right-hand  
12 corner BPJ 010, I think it's the fourth page --- yeah,  
13 it says page four at the top. See at the bottom it says  
14 received training, that part there?

15 A. Oh, okay.

16 Q. It says Norwood staff received training on  
17 tolerance and cultural diversity and LGBTQ --- I think  
18 that's plus IA on 8/21.

19 Do you see that?

20 A. Yes, I do see that.

21 Q. Do you know what that's referring to?

22 A. No, I don't.

23 Q. Have you ever been provided with any further  
24 information on what tolerance or cultural diversity or

1 similar training that is given to the staff?

2 A. No.

3 Q. Next it says and provided protocol and multiple  
4 resources --- multiple resource sources. Was that  
5 meaning that you were provided with that information or  
6 that was information that was provided to the Norwood  
7 staff?

8 A. To the Norwood staff.

9 Q. Were you provided any resource sources at the  
10 time that this was filled out?

11 A. No.

12 Q. Going back up to the first page where we talk  
13 about your husband seeking outside help through the  
14 church, did his views or feelings change in any way  
15 after seeking that --- after getting help through the  
16 church?

17 A. He has reconciled his religion with his  
18 transgender daughter.

19 Q. Did he explain to you how?

20 A. No.

21 Q. Let me ask you to look at Exhibit 11C. In fact,  
22 ma'am, if you could grab 11A, B, C and E. And I  
23 apologize let me look at 11D first, D as in David. So  
24 take a look at this, and I'll ask you a few questions

1 about it.

2 A. Go ahead.

3 Q. Okay.

4 And for the record, Exhibit 11D, at the top is  
5 --- has the name of Andrew James Spurr, M.D., and it  
6 says progress notes and it says encounter date, December  
7 16, 2020. Do you see that at the top, ma'am?

8 A. Yes.

9 Q. I want to make sure we are looking at the same  
10 thing together. And it says history obtained from  
11 mother --- well, let me back up. First of all, have you  
12 ever seen this document before?

13 A. No.

14 Q. Do you remember --- it says on here, history  
15 obtained from mother. B [REDACTED] was not present for this  
16 tele-medicine visit.

17 Do you see that?

18 A. Yes.

19 Q. Do you remember this --- that you had --- were  
20 involved in this tele-medicine visit, as it says?

21 A. Yes.

22 Q. And I want to direct you to the next paragraph  
23 that says B [REDACTED] is very happy with stopping puberty. Is  
24 that something that you reported to the doctor?

1 A. Yes.

2 Q. And it was directed to the doctor not, someone  
3 else?

4 A. To Andrew James Spurr.

5 Q. Right. How did you come to speak with Andrew  
6 James Spurr? How did you find him as a doctor?

7 A. He was on --- he was just on that call as a  
8 resident. I don't know how he got assigned to us. It's  
9 the one and only time he was ever assigned to us. I  
10 don't know if Dr. Montano was out or what.

11 Q. So Dr. Spurr is in Dr. Montano's office?

12 A. I would presume so, yes.

13 Q. It says she, referring to B [REDACTED], wants to know  
14 when she can start hormone therapy. Were you told  
15 anything in response to that?

16 A. I was not told anything in response to that.

17 Q. Next it says wants to get breasts and get rid of  
18 her penis. You reported that to the doctor?

19 A. Correct.

20 Q. And did he have any response to that?

21 A. No.

22 Q. You next said she is experiencing dysphoria ---  
23 strike that.

24 The document says she is experiencing dysphoria

1 with leg growth hair. Did you use that terminology with  
2 the doctor?

3 ATTORNEY BLOCK: Objection, misread the  
4 text.

5 BY ATTORNEY TRYON:

6 Q. Let me try again, she is experiencing dysphoria  
7 [REDACTED]. Did you use the term dysphoria  
8 when speaking to the doctor?

9 A. He used the term dysphoria.

10 Q. And what terminology did you use when you spoke  
11 to the doctor?

12 [REDACTED]  
13 [REDACTED]

14 [REDACTED]  
15 A. Correct.

16 [REDACTED]  
17 [REDACTED] And did you, in fact, tell the doctor  
18 that?

19 A. Yes.

20 Q. And when --- so this is --- the encounter date  
21 is December 16, 2020. [REDACTED]

22 [REDACTED]

23 A. I don't know the date that he said it. The date  
24 --- the encounter date is just the date of the



1 appointment.

2

3

4 A. I'm guessing yes.

5 Q. And he said that to BPJ?

6 A. Correct.

7 Q. Why did he say that?

8 A. I don't know.

9 Q. Did you observe it?

10 A. I observed the aftereffects.

11 Q. So you didn't actually hear him say that?

12 A. No, she came and reported it to me.

13 Q. She being BPJ?

14 A. Correct.

15 Q. What did BPJ say about it?

16 A. She was crying and was upset.

17

18 A. According to her.

19 Q. What did that mean to BPJ?

20 ATTORNEY BLOCK: Objection. Calls for  
21 speculation.

22 THE WITNESS: I just know that it upset  
23 her, that she was crying and was upset.

24 BY ATTORNEY TRYON:

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[REDACTED]

A. I don't know what they were doing outside. I know they were outside because she came inside.

Q. Has your husband ever said that to BPJ before that, to your knowledge?

A. To my knowledge, no.

Q. Did BPJ say he said this to me before, or this is the first time, or any other discussion about it?

A. No other discussion about it.

Q. This just seems odd to me, so maybe I'll just ask the question. [REDACTED]

A. Yeah.

Q. Why would that be reported?

A. [REDACTED]

[REDACTED] My guess is he didn't read the case file.

Q. Okay. Okay.

[REDACTED]

Who's that transgender psychologist?

A. There was one locally, but he left after ---

1 during the COVID session and I never did get to see him.

2 Q. Who was that?

3 A. I don't know what his name was.

4 Q. And has --- have you ever found a transgender  
5 psychologist?

6 A. We have found a psychologist that specializes in  
7 transgender care.

8 Q. Who is that?

9 A. Doctor Matthew Bunner.

10 Q. When is the first time that you saw Doctor  
11 Matthew Bunner?

12 A. I don't know. It would be in the medical  
13 records, but I don't know the date off the top of my  
14 head.

15 Q. All right.

16 Well, then we will find it in the medical  
17 records in a bit. Was there a reason that B [REDACTED] was not  
18 present for this tele-medicine visit?

19 A. I was out of town. My dad died.

20 Q. Sorry about that, by the way.

21 So prior to this appointment you had not ---  
22 let me rephrase that. Prior to this appointment --- or  
23 this encounter on December 16, 2020, BPJ had not yet met  
24 with a psychiatrist or a psychologist.

1 Is that right?

2 A. Yeah, correct.

3 Q. And is Doctor Matthew Bunner, is he a  
4 psychiatrist or psychologist?

5 A. I'm not sure of his credentials.

6 Q. Prior to this data, [REDACTED]  
7 [REDACTED] Do you believe that  
8 to be accurate date, more or less?

9 A. That's accurate.

10 Q. Do you know what a [REDACTED] is?

11 A. Yes, it's a hormone blocker.

12 Q. Can you describe for the record how that's  
13 implanted?

14 A. The skin is separated from the tissue below it  
15 and it's slid in underneath the skin and secured with a  
16 suture.

17 Q. And where on the body?

18 A. Where is hers?

19 Q. Yes.

20 [REDACTED]

21 [REDACTED]

22 Q. Well, I don't know where [REDACTED], but  
23 it gives me a good idea. Thank you.

24 And then how long is that supposed to last? Do

1 you need to replace it at some point?

2 A. It will have to be replaced at some point.

3 Q. Do you know how long?

4 A. It depends on her labs.

5 Q. Were you given a general time period for whether  
6 it's a year, two years, six months?

7 [REDACTED]

8 [REDACTED]

9 Q. So from what I understand from what you told me,  
10 then [REDACTED] before BPJ met with a  
11 psychologist or psychiatrist.

12 Is that right?

13 A. Correct.

14 Q. Is there a reason you didn't wait to talk to a  
15 psychologist or psychiatrist before doing this ---  
16 taking this action?

17 A. We couldn't get in anywhere because of COVID.

18 Q. Is that the only reason?

19 A. Yes.

20 Q. Did you feel it was important to actually have  
21 BPJ meet with a psychiatrist or psychologist before  
22 taking this action?

23 ATTORNEY BLOCK: Objection to form.

24 [REDACTED]

1

2 BY ATTORNEY TRYON:

3 Q. Are you familiar with the Tanner stages?

4 A. With what? I'm sorry.

5 Q. The Tanner stages, T-A-N-N-E-R?

6 A. I'm not sure.

7 Q. Can you look at Exhibit 11A, please?

8 A. 11A. Oh, yeah.

9 Q. Okay.

10 Take a look at that document and let me know  
11 when you're ready. I just have a question or two.

12 A. Okay.

13 Q. All right.

14

15

16 [REDACTED] She has been followed up  
17 for gender dysphoria with desire to start hormone  
18 blockers, [REDACTED] Does  
19 that refresh your recollection what the Tanner stage one  
20 means?

21 A. Yes.

22 Q. What's your understanding of that?

23 A. They take --- it almost looks like a beaded  
24 necklace, but it's different size representation of

1     testicular formation and they compare it to her testes  
2     in order to see what stage they are.

3         Q.     What's the purpose of that?

4         A.     To measure the testes.

5         Q.     And is --- why do that?

6         A.     Because it's a sign of puberty.

7         Q.     And is there a particular Tanner stage that you  
8     need to be at in order to get the hormone blocker?

9         A.     I do not know the answer to that. I'm not sure  
10    which stage you must be at.

11        Q.     Is that indicative --- do they use that in some  
12    fashion to determine when you insert a --- or start  
13    using the hormone blockers?

14        A.     They use it as a sign for puberty.

15        Q.     And does puberty have something to do with when  
16    you --- well, let me just ask it this way. As I  
17    understand it, before --- the doctors do not want to use  
18    hormone blockers until you start into puberty Tanner  
19    Stage 2?

20        A.     Okay.

21        Q.     Do you have any information on --- do you  
22    believe that is accurate or not?

23        A.     I don't know.

24        Q.     Okay.

1           When you --- let me rephrase that. Did both  
2 you and BPJ meet with the doctor, a doctor to discuss  
3 the pros and cons or any side effects of using hormone  
4 blockers?

5           A.     Yes.

6           Q.     So would that have been just you or would BPJ  
7 have been involved as well?

8           A.     B [REDACTED] would have been involved as well.

9           Q.     How about your husband?

10          A.     He was working. I would have to relay the  
11 information after I got back from the doctor.

12          Q.     And did you relay that information to him?

13          A.     Yes.

14          Q.     Was he okay with using hormone blockers?

15          A.     We read like the package insert information.

16          Q.     Okay.

17          A.     To look at the possible side effects.

18          Q.     And what were the possible side effects,  
19 according to that insert?

20          A.     Some of them off the top of my head was  
21 decreased size in testes, osteoporosis.

22          Q.     Were you concerned about the side effects?

23          A.     The benefit outweighed the risk.

24          Q.     And what was the risk? Those side effects?



1 A. The risk would be the side effects.

2 Q. And what was the benefit?

3 A. The benefit would be help with her transition.

4 Q. Explain what you mean by transition.

5 A. To live her life authentically, to stop the male  
6 hormones.

7 Q. What would the male hormones do as you  
8 understand it?

9 A. Male hormones would cause her penis size to  
10 increase, her testicle size to increase, body hair to  
11 start forming, Adam's apple would start forming, her  
12 voice would change.

13 Q. And those are all things that you wanted to  
14 avoid happening?

15 A. She wanted to avoid happening.

16 Q. How about you, did you care one way or the  
17 other?

18 A. I wanted her to live her most authentic life.

19 Q. What did you mean by that, her most authentic  
20 life?

21 A. I wanted her to be able to live as a female, as  
22 she wished to live.

23 Q. Why does that make it her authentic life?

24 A. Because she's a girl.

1 Q. Okay.

2 So I'm done with this exhibit.

3 ATTORNEY TRYON: I'm finished with  
4 Exhibits 11A, B, C and D, so we can put those aside.  
5 It's 1:15. This would be a convenient place to stop if  
6 we want to for lunch. Would you like to do that, ma'am,  
7 or do you want to keep going?

8 THE WITNESS: I need a break to use the  
9 restroom.

10 ATTORNEY TRYON: Would you like to take a  
11 half an hour for lunch?

12 THE WITNESS: Sure.

13 ATTORNEY TRYON: Okay.

14 Everybody else is good with that?

15 ATTORNEY DENIKER: That's fine.

16 ATTORNEY BLOCK: See you at 1:45.

17 VIDEOGRAPHER: Going off the record. The  
18 current time is 1:15 p.m.

19 OFF VIDEOTAPE

20 ---

21 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

22 ---

23 ON VIDEOTAPE

24 VIDEOGRAPHER: We are back on the record.

1 The current time reads 1:47 p.m.

2 BY ATTORNEY TRYON:

3 Q. Let's go to Exhibit 14, if you wouldn't mind,  
4 ma'am. This Exhibit 14 is a group of medical records.  
5 Take your time and look through there and let me know  
6 when you're finished and then we'll come back to the  
7 first couple of pages for some questions.

8 ---

9 (WHEREUPON, WITNESS REVIEWS DOCUMENT.)

10 ---

11 THE WITNESS: I've read the first page.

12 BY ATTORNEY TRYON:

13 Q. Are you finished?

14 A. Yes.

15 Q. Great. Let me go back and first ask you a  
16 question on page two of the document on the bottom that  
17 says page three?

18 A. Okay.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED] Before I ask  
22 you a question about that let me just back up. So this  
23 appears to be from an office visit with a Jean  
24 Someshwar.

1 Is that right?

2 A. Yes. That's about as good as I can pronounce  
3 it.

4 Q. Were you in attendance at this meeting?

5 A. Yes.

6 Q. Was BPJ in attendance?

7 A. Yes.

8 Q. So then going back to my question, what I just  
9 read on the second page, where it's marked as page three  
10 on the bottom. [REDACTED]

11 [REDACTED] Do  
12 you --- did you or BPJ say something that triggered this  
13 note?

14 A. BPJ.

15 Q. And what did BPJ say that you believe triggered  
16 this note?

17 A. Well, it's in quotes, so I'm saying that she  
18 said that.

19 [REDACTED]  
20 [REDACTED]

21 A. Yeah.

22 Q. What does that mean?

23 A. I'm going to guess when they are in fights or  
24 spats.

1 [REDACTED]  
2 [REDACTED]  
3 A. Probably have to ask Becky that one.  
4 Q. Did she expound at all during this meeting?  
5 A. Not according to the notes.  
6 Q. I'm asking you from your memory?  
7 A. I don't remember.  
8 [REDACTED]  
9 [REDACTED]  
10 A. Yes.  
11 Q. I'm sorry?  
12 A. Yes.  
13 Q. And what does that mean?  
14 A. To me?  
15 Q. Yes.  
16 A. To me I would say that you would use it to lash  
17 out at somebody.  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED] I don't know.  
21 Q. Did you observe anything like this?  
22 A. No.  
23 [REDACTED]  
24 [REDACTED]

1 A. Not to me.

2 Q. Are you aware of BPJ saying this to anyone else?

3 A. No.

4 Q. Back on page one, starting --- let's go back up  
5 on the screen. Let's see. Okay, that's right. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] How did you locate Dr. Montano in  
10 Pittsburgh?

11 A. Doctor Montano came to me through  
12 recommendations from friends.

13 Q. Excuse me, what friends?

14 A. Friends that we know, one of which has a  
15 transgender male child.

16 Q. And who is that?

17 A. I only know her first name.

18 Q. Which is?

19 A. Carolyn.

20 Q. Does Carolyn live --- well, where does Carolyn  
21 live?

22 A. Clarksburg.

23 Q. Just for the record, how far is Clarksburg from  
24 where you live?

1 A. Oh, maybe 30 minutes.

2 Q. And how do you know Carolyn?

3 A. I met her through the PFLAG Group in Morgantown.

4 Q. So what does PFLAG stand for?

5 A. I don't know.

6 Q. What is the PFLAG Group?

7 A. The group that I attend is a group of parents  
8 who have transitioning children.

9 Q. Did BPJ attend meetings with a different PFLAG  
10 group?

11 A. No.

12 Q. At the bottom of this page, towards the bottom,  
13 if you could scroll down. Okay. Right there. It says  
14 family was going to PFLAG meetings. But due to COVID,  
15 meetings had been virtual B [REDACTED] misses seeing her PFLAG  
16 friends in person. So was B [REDACTED] going to the same  
17 meetings as you?

18 A. Yes.

19 Q. You indicated that the group you went to was for  
20 parents?

21 A. Parents with children who were transitioning.  
22 So the parents would meet and the children would play.

23 Q. So the children would play like what?

24 A. On the playground.

1 Q. Okay.

2 And they are both boys and girls?

3 A. Yes.

4 Q. That's kind of a weird question, given the  
5 context, so I'm not quite sure. Would it include --- I  
6 guess it would be trans boys and trans girls. Is that  
7 the proper way to say that?

8 A. It includes just gender boys and girls and  
9 transgender boys and girls.

10 Q. Very good. So in these meetings what did the  
11 parents talk about?

12 A. The issues that we might have in the community,  
13 like in our churches or in finding daycare or in support  
14 groups.

15 Q. And you said something that I didn't understand.  
16 You said parents with children that are transitioning,  
17 which suggests they are in the process of making a  
18 transition. Is that what that means?

19 A. Yes.

20 Q. And so what is that process of transitioning?

21 A. Well, with every parent and child, that's ---  
22 that's up to them.

23 Q. Can you explain in broad terms what that  
24 transitioning process is?



1           A.       Identifying as your gender identity and living  
2 authentically.

3           Q.       So simply, stating that you are a different  
4 gender than your birth gender. Is that all that's  
5 required for that transitioning process?

6           A.       That's how it can start.

7           Q.       Okay.

8                    So that's how it starts, but what happens after  
9 that?

10          A.       Like I said, with every parent and child it's  
11 going to be different. With their cases, it may be  
12 different than my case.

13          Q.       And with your case then, tell me about that.

14          A.       Okay.

15                    Well, she presented around age three or four  
16 wearing my clothes, wearing my shirts as dresses, not  
17 wanting to sit to urinate.

18          Q.       So that's part of the transitioning process?

19          A.       I'm sorry?

20          Q.       You're saying that's part of the transitioning  
21 process?

22          A.       That was part of B [REDACTED] transitioning process.

23          Q.       Thank you for that clarification.

24                    Let's see. Back up a little. [REDACTED]

1

2

3

4

Do you see that?

5

A. I'm looking.

6

Q. It's about the middle of that paragraph.

7

A. Okay. I see it.

8

9

Q. I can point it out on the screen, but you found it.

10

A. Yeah, I found it.

11

12

Q. So tell me about the process for a legal name change to the extent that you know about it.

13

14

15

16

17

18

A. Well, it involves a lot of documents with legalese on it that's very difficult for me to weave my way through. But for the name change process, we have to fill out a form, several forms. They have to be notarized, filed with the Circuit Court, then it goes before a Judge, as I understand it.

19

20

Q. And what have you done in that --- you or BPJ have done in that process?

21

22

23

24

A. We've gotten forms. We've gotten them notarized. Wes has got to get his notarized, which he is supposed to be getting done today. And then we go up to the Courthouse to submit it with \$200.

1 Q. Do you know of anything else beyond that?

2 A. That's all I know so far.

3 Q. So why have you waited until now to do that?

4 A. Because it's been very hard for me to understand  
5 and try to figure out what the documents are saying.  
6 The first time I filled them out I filled them out  
7 incorrectly.

8 Q. How did you find out you filled them out  
9 incorrectly?

10 A. I took them up to the Circuit Court and they  
11 said you did it wrong.

12 Q. Okay.

13 And when was that?

14 A. A couple of weeks ago.

15 Q. So why did you wait until a few weeks ago to  
16 start the name change?

17 A. I'm been overwhelmed by the forms.

18 Q. When did you first get the forms?

19 A. I've had the forms for probably six months.

20 Q. Okay.

21 So just to help me out, I'm not trying to  
22 insult you or anything, but I'm just trying to  
23 understand because you --- because BPJ changed BPJ's  
24 name to B [REDACTED] several years ago.

1 Right?

2 A. Correct.

3 Q. And so why didn't you and/or B [REDACTED] move forward  
4 at that time?

5 A. We were deciding on middle names.

6 Q. Have you decided on any middle name?

7 A. Yes, we have.

8 Q. What is that?

9 A. It will be Maranlynn.

10 Q. So you spent the past several years just working  
11 on a middle name.

12 Is that right?

13 A. Yes.

14 Q. You're laughing about that. Why?

15 A. Because she didn't want the name Meridan and I  
16 wanted the name Maridan, so we came to a compromise that  
17 it is Maranlynn. Plus the Lynn comes from her uncle and  
18 she wanted to ask her uncle permission to use his middle  
19 name as her middle name.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] Can you explain

24 that to me, please?

1           A.       I don't know what [REDACTED] mean.  
2       That would be a doctor term.

3       [REDACTED]  
4       [REDACTED]  
5       What is your understanding of what that hormone therapy  
6       is?

7           A.       She can either get implants or injections and  
8       get hormones, female hormones, start female hormones.  
9       It depends on her labs and if she goes into  
10      osteoporosis. If she goes into osteoporosis from the  
11      [REDACTED], she would have to start hormones  
12      sooner.

13          Q.       And what would those hormones do?

14          A.       It would help her live authentically as a  
15      female.

16          Q.       You need to be more specific. Would those  
17      hormones cause physical changes to BPJ's body?

18          A.       Yes.

19          Q.       What would those physical changes be?

20          A.       She could grow breasts.

21          Q.       Just to be clear, you say she could grow  
22      breasts. Would it actually trigger breast growth?

23          A.       Isn't that the same thing?

24          Q.       You said could, which is a possibility. I'm

1 asking if that is, in fact, ---.

2 A. I'm not a doctor. I'm going to guess that  
3 that's, you know, could be.

4 Q. No, I just want to understand --- make sure  
5 we're communicating. And I think we are, so thank you.

6 [REDACTED] Is that  
7 what she said?

8 A. That's her words.

9 Q. And we talked about this a little bit before,  
10 but [REDACTED], do you know what that means?

11 [REDACTED]

12 [REDACTED]

13 Q. Do you know what age that is or what triggers  
14 that?

15 A. I don't know at what age it's legal in the State  
16 of West Virginia.

17 Q. So is that the only thing that would stop it  
18 from happening sooner is just the legal age part?

19 ATTORNEY BLOCK: Objection to form.

20 THE WITNESS: And if she was medically  
21 able to. If she has reached all of the milestones that  
22 she's supposed to reach, being a transgender female on  
23 hormone blockers, on hormone replacement therapy.

24 BY ATTORNEY TRYON:

1 Q. Do you know how that is accomplished?

2 A. Well, they take the penis and they split it  
3 almost like a banana and they peel back the skin and  
4 they take all of that and they put it into a cavity  
5 inside the pelvis and create a vagina out of the  
6 erectile tissue from the penis.

7 Q. I guess the answer's yes. Is she aware that  
8 that is what the procedure is?

9 A. Yes.

10 Q. Was that --- who explained that to BPJ?

11 A. I did.

12 Q. And what was BPJ's reaction?

13 A. Ouch.

14 Q. That exact word?

15 A. Yep.

16 Q. After you explained that did BPJ still want to  
17 proceed?

18 A. Yep.

19 Q. So I just want to go back to your discussions  
20 with Carolyn I think it was who recommended Dr. Montano.  
21 Do I remember that correctly?

22 A. Yes.

23 Q. And what exactly did Carolyn say about Dr.  
24 Montano?

1 A. That he specialized in transgender care.

2 Q. Did you receive recommendations for any other  
3 doctors that specialized in transgender care?

4 A. He was the only one that we could find in the  
5 area that specialized in transgender care. He is quite  
6 good.

7 Q. When you say he is quite good, what do you mean?

8 A. He is very good working with B [REDACTED] He talks to  
9 her on her level.

10 Q. So did you review any other doctors for  
11 specializing in transgender care before settling in with  
12 Dr. Montano?

13 A. Nope.

14 Q. And then you then decided to change doctors.  
15 Is that right?

16 A. Right.

17 Q. And why is that?

18 A. Doctor Kidd is practicing closer to home and  
19 she's within my healthcare network.

20 Q. Did you interview with anybody else to see if  
21 you wanted to use someone else instead?

22 A. Nope, she's the only one in my area.

23 Q. Are you satisfied with Dr. Kidd so far?

24 A. Yes.



1 Q. How many meetings have you and/or BPJ had with  
2 Dr. Kidd?

3 A. Two. We were introduced to her in group with a  
4 bunch of --- with that Dr. Someshwar. We were  
5 introduced in a group there and then one on one with her  
6 later on.

7 Q. Can you turn to --- it's marked at the bottom as  
8 page seven? It also has what is called Bates stamp BPJ  
9 152 at the bottom.

10 ATTORNEY TRYON: And if the court  
11 reporter would put that up.

12 THE WITNESS: Okay.

13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED] [REDACTED]  
22 [REDACTED]  
23 [REDACTED] This was something that you reported or BPJ  
24 reported?

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED] [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 Q. And that was as of April of 2021?  
10 A. Yeah.  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 Is that a fair statement or not?  
15 ATTORNEY BLOCK: Objection to form.  
16 THE WITNESS: Not. I wouldn't say that.  
17 BY ATTORNEY TRYON:  
18 Q. Okay.  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED] [REDACTED]

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Both you and BPJ were in this particular meeting.

Is that right?

A. Correct.

Q. And do you know if this statement came from something that you said or that BPJ said?

A. I don't know.

ATTORNEY BLOCK: Objection to the form.

BY ATTORNEY TRYON:

Q. I'm a little confused as to this form, so it's unclear to me if this is from a discussion with Mr. Bunner or with Dr. Someshwar.

Do you know?

A. This whole note?

Q. This particular paragraph anyways?

A. Oh, well it would be in the same notes as the whole packet from the WVU Healthcare University Town Center.

Q. Right. So maybe I can ask the question a little better perhaps. When you went to this appointment on April 1st, 2021, who did you meet with?

A. I don't know who this note is from. I don't

1 know. It says progress note continued. I don't know  
2 where the first page is.

3 Q. Okay.

4 The first page would be the prior page that  
5 appears to me, but let me ask you if you met on this  
6 occasion with Matthew Bunner?

7 A. I don't know who this meeting was with.

8 Q. Do you remember a meeting on --- I mean, this  
9 reports a meeting that you've just indicated to me that  
10 you attended?

11 A. Yes.

12 Q. Okay.

13 A. Yes.

14 Q. Okay.

15 A. I've been to a lot of doctors' appointments and  
16 I don't know which doctor this is from.

17 Q. Okay.

18 A. It doesn't say.

19 Q. Well, it has two names throughout the documents.  
20 One is --- if you go to the prior page, on page six, I  
21 will let the court reporter bring that up. Towards the  
22 top it says I saw and examined the patient. I received  
23 resident's note. I agree with the findings and plan of  
24 care as documented in the resident's note. Any

1 exceptions/additions are edited/noted. Jean Someshwar.

2 A. Jean Someshwar (corrects pronunciation).

3 Q. Thanks.

4 A. So this note would be from Dr. Someshwar or  
5 however you pronounce it.

6 Q. But then down below it says progress notes by  
7 Bunner, Matthew, LPC?

8 A. Okay.

9 Q. So let me first ask, do you specifically  
10 remember meeting with Jean Someshwar?

11 A. I remember being in one meeting with him, yes.

12 Q. Is Jean a man or a woman?

13 A. I don't know how they identify as.

14 Q. Okay.

15 But you said --- all right. And Matthew  
16 Bunner, do you know who Matthew Bunner is?

17 A. Yes, I do.

18 Q. In the middle of the page here it refers to  
19 editor being Matthew Bunner and the author as being  
20 Matthew Bunner.

21 A. Okay.

22 Q. So it appears --- and correct me if I'm wrong,  
23 but it appears that Mr. Bunner also met with you on that  
24 date?

1 A. Yes, there was a group of people there.

2 Q. Who else was there besides Mr. Bunner and Jean  
3 Someshwar?

4 A. I don't know.

5 Q. Was there others?

6 A. Yeah. There was nurses.

7 Q. Was this all one big meeting or separate  
8 meetings?

9 A. It was a big group. It was B [REDACTED] and I in a  
10 room with these people.

11 Q. How many people?

12 A. I don't remember.

13 Q. Can you give me --- more than five?

14 A. I don't remember.

15 Q. At the bottom of page seven, under procedure, do  
16 you see that?

17 A. Yes.

18 [REDACTED]  
19 [REDACTED] Do you remember that procedure  
20 as represented there?

21 A. I don't remember that.

22 Q. Then next it says provided assessment/treating  
23 utilizing some or all interventions below from WPATH  
24 standards of care version seven.

1 Do you see that?

2 A. Yes.

3 Q. Do you remember that assessment being or  
4 treatment being provided to you?

5 A. I don't know what WPATH Standards of Care  
6 version seven is.

7 Q. Have you ever --- so have you ever heard that  
8 term WPATH Standards of Care?

9 A. No.

10 Q. And you've never seen the document just titled  
11 WPATH Standards of Care?

12 A. No.

13 Q. First item under there is one, directly assess  
14 gender dysphoria in children and adolescents. Was that  
15 discussed with you?

16 A. It looks like it was an assessment on their  
17 part.

18 Q. And was that assessment when they were  
19 discussing it to you and BPJ?

20 A. I presume that they made their assessment based  
21 on their interview.

22 Q. And do you know what their assessment was?

23 A. No.

24 Q. Do you remember what was discussed in that

1 interview?

2 A. Well, if I go to the first page I can read what  
3 was discussed. But other than that ---.

4 Q. You don't have any independent recollection?

5 A. No.

6 Q. If you could go to the next page marked  
7 page eight.

8 A. Okay.

9 Q. At the top it's got Item Number 4, it talks  
10 about referring adolescents for additional physical  
11 interventions. And the second sentence says the  
12 referral should include documentation of an assessment  
13 of gender dysphoria and mental health, the adolescent's  
14 eligibility for physical interventions outlined below,  
15 comma, the medical health professional's role and  
16 expertise and any other information pertinent to the  
17 use, health and referral for specific treatments. Are  
18 you aware of any such referral?

19 ATTORNEY BLOCK: Objection to the form.

20 THE WITNESS: She already had blockers.

21 BY ATTORNEY TRYON:

22 Q. Understood. This is not limited to puberty  
23 blockers.

24



1

2

3

4

Q. Right. Do you anticipate a referral for any other physical interventions?

5

A. I don't know the answer to that.

6

7

Q. Prior to getting the puberty blocker, was there documentation of BPJ's --- strike that.

8

9

10

11

Let me start that over. Prior to getting the puberty blocker, [REDACTED] was there, to your knowledge, an assessment of gender dysphoria and mental health of BPJ?

12

A. The assessment was made by Dr. Montano.

13

14

Q. Do you know what documentation there is for that assessment?

15

A. No, I don't.

16

17

18

19

Q. Earlier in this deposition I asked you if you have documentation, and you said you have documents. What documents do you have relative to BPJ's gender dysphoria?

20

ATTORNEY BLOCK: Objection, MT.

21

22

23

THE WITNESS: I have copies of her Gender Care Plans given to me by the schools. Is that what you mean?

24

BY ATTORNEY TRYON:

1 Q. I'm just asking a broad question to see what  
2 documents you have.

3 A. Oh, off the top of my head, I don't have them  
4 with me.

5 Q. Okay.

6 And off the top of your head you mentioned the  
7 plan assessments from the schools. Anything else?

8 A. I have --- I have the Gender Care Assessment ---  
9 or Gender Care Plans from Norwood and I got one from  
10 Bridgeport. I have those. And I have some copies of  
11 partial of her records from UPMC that I gave to Dr. Kidd  
12 at WVU.

13 Q. Have you shared those documents with your  
14 counsel?

15 A. They're here.

16 Q. Okay.

17 So the documents --- when you say here you mean  
18 in the conference room there?

19 A. Yes, they're with your exhibits.

20 Q. Okay.

21 Any other documents that are not with the  
22 exhibits that you've seen so far that you think you have  
23 in your possession?

24 A. No, I don't have anything other than what I

1 said.

2 Q. If you go to what's now page nine.

3 A. Okay.

4

5

6 A. Yes.

7 Q. Is that what that represents, [REDACTED]?

8 A. [REDACTED] It's  
9 definitely not mine.

10

11

12 Right?

13 A. Correct.

14 Q. And this is measured --- do you see down below,  
15 at the bottom of that little chart, it says for boys?

16 A. Where does it say that at?

17 Q. So I'll just point with the cursor. It's kind  
18 of hard to see on the screen, but right here. On the  
19 hard copy that I have it's a little clearer?

20 A. I don't see the cursor moving on my screen. Oh,  
21 now I do.

22 VIDEOGRAPHER: To move the cursor on your  
23 screen you have to click first and then you can move it.

24 ATTORNEY TRYON: Oh.

1                    VIDEOGRAPHER:    There you go.

2                    THE WITNESS:    If you say that's what it  
3                    says then I can't read that, but ---.

4                    BY ATTORNEY TRYON:

5                    Q.        Okay?

6                    A.        And I have it in this copy, too, and I can't  
7                    read it there either.

8                    Q.        Yeah.    You know, I understand because I have a  
9                    copy under which is probably a copy and you have a ---.

10                  A.        A copy of a copy.

11                  Q.        But it does say --- in mine it says --- I can't  
12                  read all of it.    [REDACTED]

13                  [REDACTED]

14                  [REDACTED]    [REDACTED]    [REDACTED]

15                  [REDACTED]

16                  [REDACTED]    [REDACTED]

17                  [REDACTED]

18                  A.        You would have to ask them.

19                  Q.        That was never discussed with you, I take it?

20                  A.        No.

21                  Q.        I will just note for the record on BP --- within  
22                  this document there is on Bates stamp BPJ 162 --- you  
23                  don't need to look at it, but there are some markings on  
24                  that page that says Dr. Brunner/Dr. Someshwar, and it

1 says 2021. I believe those are handwritten notes. Those  
2 were not on the original. Those are my notes only. My  
3 apologies. Those should have been taken off before this  
4 started.

5 VIDEOGRAPHER: I'm sorry. Did you want  
6 me to scroll to that one?

7 ATTORNEY TRYON: No, unless somebody else  
8 wants to see it. But that's just for the record, so if  
9 people see that in the future, they can say --- they can  
10 understand what that is.

11 VIDEOGRAPHER: Okay.

12 BY ATTORNEY TRYON:

13 Q. Let me go back to Exhibit 1. If you could take  
14 a quick look through here. I don't have any specific  
15 questions. I just have a general question. If you want  
16 to take a look through there.

17 A. Okay.

18 Q. So these documents came from the local Board of  
19 Education as part of this discovery process. I think  
20 that's right. Yes. And I apologize, West Virginia 1-R  
21 you have got to look at.

22 A. Let me grab that.

23 ATTORNEY BLOCK: Do you have a Bates  
24 number for that?

1                    ATTORNEY TRYON:    HBCBOE 00075.

2                    ATTORNEY BLOCK:    Thank you.

3                    BY ATTORNEY TRYON:

4                    Q.        So my question on this, first of all, is so  
5                    these are medical records from the Davis Medical Center.  
6                    The date of the visit appears to be May 13, 2014. And I  
7                    believe I saw something in here that indicated that  
8                    these were given to the school in 2016. And I was  
9                    interested to know if you recall why these were  
10                   submitted to the school at that time?

11                   ATTORNEY BLOCK:    Objection. Foundation.

12                   THE WITNESS:    The school requires their  
13                   vaccination records and their oral evaluations.

14                   BY ATTORNEY TRYON:

15                   Q.        What do you mean by oral evaluations?

16                   A.        Their dentist.

17                   Q.        Oh, okay. So this has more information than  
18                   just the vaccinations. Were you just being  
19                   overinclusive when you sent this to them?

20                   A.        I just gave them the well child visit.

21                   Q.        Okay.

22                   If you could turn to Exhibit 3, please. Do you  
23                   know --- never mind. We don't need Exhibit 3. Exhibit  
24                   4?

1 A. Exhibit 4. Okay.

2 Q. Take a look through there and then I will have a  
3 few questions.

4 A. Okay.

5 Q. At the top it says that it's from UPMC  
6 Children's Hospital of Pittsburgh and it says adolescent  
7 medicine evaluation. And the child listed is P [REDACTED]  
8 J [REDACTED]. The first name is blocked out. It references  
9 male, age nine years old. And then down below it has a  
10 date of July 15, 2019. Do you see that? No, it's at  
11 the top of that page.

12 A. Oh.

13 Q. Right at the very top of the page.

14 A. Oh, I see it, next to Montano's name. Okay.

15 Q. Yes. Do you remember having a visit on or about  
16 that date?

17 A. I don't remember it, but I'm sure there was.

18 Q. And that was with Dr. Montano or --- yeah, Dr.  
19 Montano?

20 A. Yes.

21 Q. Without referencing the notes here specifically,  
22 do you remember what was discussed at this visit?

23 A. I don't remember what was discussed at this  
24 visit.

1 Q. Do you remember the purpose of it?

2 A. I'm guessing just continued care plan.

3 Q. Do you remember --- tell me from what you know  
4 who Dr. Montano is.

5 A. Doctor Gerald Montano. He specializes in gender  
6 dysphoria, in transitional care patients.

7 Q. And it appears to me from my review of the  
8 records, please correct me if I'm wrong, that this is  
9 the first time when there was a diagnosis of gender  
10 dysphoria by a medical professional?

11 ATTORNEY BLOCK: Objection to form.

12 BY ATTORNEY TRYON:

13 Q. Is that in your memory or not?

14 A. I don't know.

15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 A. No.

20 Q. So it says B [REDACTED], legal name P [REDACTED] J [REDACTED], is  
21 a nine-year-old transgender female coming to the clinic  
22 for gender dysphoria. So does that suggest that's the  
23 purpose of this visit.

24 Is that right?



1 A. Okay.

2 ATTORNEY BLOCK: Objection.

3 BY ATTORNEY TRYON:

4 Q. Is that consistent with your memory?

5 A. I'm just going by what the notes say, and the  
6 notes say that we're there for gender dysphoria.

7 Q. Okay.

8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]

14 Do you see all that?

15 A. Yes.

16 Q. And do you remember reporting this information  
17 to Dr. Montano or that BPJ reported this information to  
18 Dr. Montano on or about July 15, 2019?

19 [REDACTED]  
20 [REDACTED]

21 Q. Okay.

22 And just to be clear, BPJ was in attendance for  
23 this meeting as well?

24 A. Yes.

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 Q. So you don't know what that means then?  
10 A. I would presume it meant [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 Q. Now, on the third page, which is labeled BPJ 036  
14 in the lower right hand corner, do you have that?  
15 A. Under social history?  
16 Q. Yes.  
17 A. Yes.  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

1 was?

2 A. No, I don't.

3 Q. Do you know how it was conducted?

4 A. No, I don't.

5 Q. Do you know of any documentation for it?

6 A. No, I don't.

7 Q. Other than what is here before us?

8 A. Unless it's in one of these exhibits, I don't  
9 know.

10 Q. Okay.

11 Dr. Montano, did he diagnose BPJ with gender  
12 dysphoria?

13 A. Yes.

14 Q. Do you know the basis of his diagnosis?

15 A. No. I presume that went with his medical  
16 training to diagnose.

17 Q. Right. Do you know what factors or anything  
18 else that he used to make that diagnosis?

19 A. That would be a question for him.

20 Q. It will be a question for him, but I'm asking  
21 you if you know.

22 A. I don't know. I'm not a doctor.

23 Q. So if you go to page four --- let me know when  
24 you are there?

1 A. Okay.

2 Q. At the bottom, where it says history suggests  
3 that B [REDACTED] suggests --- excuse me, history suggests that  
4 B [REDACTED] suffers from gender dysphoria.

5 Have you seen that note before today?

6 A. No.

7 Q. And then it says the World Professional  
8 Association for Transgender Health. Are you familiar  
9 with that organization?

10 A. No, sir.

11 Q. Have you ever heard of that organization before  
12 today?

13 A. No, sir.

14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

18 [REDACTED] Do you remember Dr. Montano discussing  
19 that with you?

20 A. Yes.

21 Q. What else do you remember about what he  
22 discussed with you?

23 A. Just informed --- that just falls under informed  
24 consent. Just --- he just told us the benefits and the

1 risks.

2 Q. And if I recall correctly, you then discussed  
3 these risks with your husband.

4 Is that right?

5 A. Correct.

6 ATTORNEY BLOCK: Objection, MT, vague.

7 BY ATTORNEY TRYON:

8 Q. And both --- so B [REDACTED], you and your husband are  
9 all comfortable with the risks for infertility?

10 A. Yes.

11 Q. Has B [REDACTED] ever expressed an interest in having  
12 children?

13 A. It has not really come up. I mean, she gets mad  
14 at her brother, she says stuff like I'm never having  
15 children.

16 Q. Sorry for laughing, but that is kind of funny.

17 A. Just in --- just in situations like that.

18 Q. Yeah. Yeah. Were you advised --- let me  
19 rephrase that. Did Dr. Montano advise you that the  
20 majority of pre-pubescent children with gender dysphoria  
21 desist from gender dysphoria if given affirmation  
22 therapy?

23 ATTORNEY BLOCK: Objection.

24 BY ATTORNEY TRYON:

1 Q. Sorry. Let me just start that all over again.  
2 In fact, you can strike that all.

3 Let me ask you to take a look at Exhibit 33,  
4 please.

5 A. Thirty-three (33)?

6 Q. Correct.

7 A. Okay. I have it.

8 Q. Ma'am, I will represent to you that this is an  
9 excerpt from the Standards of Care of the World  
10 Professional Association for Transgender Health. It  
11 goes through page 21. And this is the seventh version.  
12 And I have a few questions about it. You can either  
13 read the entire thing right now or you can just wait for  
14 me to ask you a question and then if you want to read  
15 other parts of it as well, you can do that.

16 A. I've never seen this before.

17 Q. Okay.

18 So Dr. Montano, as I mentioned earlier in the  
19 document that we were looking at before, references the  
20 Standards of Care for the World Professional Association  
21 of Transgender Health.

22 Do you recall that?

23 A. I remember it was mentioned in that other  
24 document.

1 Q. Right.

2 ATTORNEY BLOCK: Objection to form.

3 BY ATTORNEY TRYON:

4 Q. Let me ask you to turn to page five.

5 A. I don't see page numbers.

6 Q. At the very bottom right it has page numbers.  
7 It looks like they may not have printed very well. At  
8 the top it says gender non-conformity is not the same as  
9 gender dysphoria.

10 A. The difference between gender non-conformity and  
11 gender dysphoria?

12 Q. At the top it says gender non-conformity is not  
13 the same. Yes. Right. On page four it says the  
14 difference between gender non-conformity and gender  
15 dysphoria and then I have a question for you on page  
16 five, at the top of page five. Take a look at that  
17 paragraph and then I have a question about it. And then  
18 if you want to --- before you answer my question, if you  
19 want to look at more you can, but I don't think you will  
20 need to.

21 A. The one that says gender nonconformity refers to  
22 the extent, that paragraph?

23 Q. That paragraph.

24 ATTORNEY BLOCK: And while she's looking

1 at this document, I will just refer back to our standing  
2 objections.

3 ATTORNEY TRYON: Thank you.

4 THE WITNESS: Okay.

5 BY ATTORNEY TRYON:

6 Q. So my question is did Dr. Montano explain to you  
7 the difference between gender nonconformity and gender  
8 dysphoria?

9 A. No.

10 Q. Having read that, do you think it would have  
11 been useful for him to explain that to you?

12 A. No.

13 Q. If you could turn to page 11, please?

14 A. I have no page numbers.

15 Q. Well, keep scrolling down on the screen. Do you  
16 see --- they're not as faint on the copy that is on the  
17 screen, but at the lower right-hand corner it says  
18 page 11. So if you count in it would be about 13 pages,  
19 but it says differences between children and adolescents  
20 with gender dysphoria. That's the topic near the top of  
21 the page.

22 A. Okay.

23 I found the page.

24 Q. Okay.



1 I'm just going to read the first --- the  
2 sentence that I'm interested in, couple of sentences.  
3 And then I'm going to ask you a question. And if you  
4 would like to read more of them --- of this before  
5 answering you may. But it says an important difference  
6 between gender dysphoric children and adolescents is in  
7 the proportion for whom dysphoria persists into  
8 childhood --- excuse me, into adulthood. Gender  
9 dysphoria during childhood does not inevitably continue  
10 into adulthood. Rather follow-up studies of pre-pubertal  
11 children, mainly boys, who were referred to clinics for  
12 assessment of gender dysphoria, the dysphoria persisted  
13 into adulthood for only 6 to 23 percent of children.  
14 And my question is did Dr. Montano explain that to you?

15 A. No.

16 ATTORNEY BLOCK: Objection to form.  
17 First, there's a footnote in that paragraph that I think  
18 is illegible on the piece of paper. And second, you  
19 didn't read the entire paragraph.

20 ATTORNEY TRYON: I'll read the footnotes  
21 that's not illegible because it's legible on my copy.  
22 My apologies for that.

23 BY ATTORNEY TRYON:

24 Q. It says gender nonconforming behaviors in

1 children may continue into adulthood but such behaviors  
2 are not necessarily indicative of gender dysphoria and a  
3 need for treatment. As described in Section 3, gender  
4 dysphoria is not synonymous in gender expression. So  
5 when you're finished with your review, let me know. I'm  
6 just interested if Dr. Montano did explain that to you.

7 A. I don't remember.

8 Q. Would that have been helpful for you to have  
9 that information?

10 A. No.

11 ATTORNEY TRYON: Off the record for just  
12 one moment, please.

13 VIDEOGRAPHER: Going off the record. The  
14 current time reads 2:52 p.m.

15 OFF VIDEOTAPE

16 ---

17 (WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

18 ---

19 ON VIDEOTAPE

20 VIDEOGRAPHER: Back on the record. The  
21 current time reads 2:53 p.m.

22 THE WITNESS: Yes. And I can't see that  
23 footnote either on my copies.

24 BY ATTORNEY TRYON:

1 Q. Yes, my apologies. I don't know why that didn't  
2 come through on the photocopy, but we'll try and remedy  
3 that. Okay. I'm finished with that exhibit.

4 At what point did you start considering suing  
5 the State to have this law declared unconstitutional?

6 A. When I realized that it was going to affect my  
7 child.

8 Q. And was that before or after the law was  
9 actually passed?

10 A. It was after it was signed by the Governor.

11 Q. And how did you come to be aware of it?

12 A. Be aware of the law?

13 Q. Yes.

14 A. That it was in consideration or that it was  
15 signed?

16 Q. Well, let's start with consideration. When did  
17 you first become aware that it was under consideration?

18 A. I don't know the date. I remember seeing it on  
19 the news, that it was under consideration.

20 Q. And at that time were you aware that it could  
21 affect your child?

22 A. I was alarmed.

23 Q. Did you contact any legislators about it?

24 A. Yes.

1 Q. Who did you contact?

2 A. Romano and Patrick. I can't remember his last  
3 name.

4 Q. Are they --- do you remember which house they're  
5 in?

6 A. No, I don't.

7 Q. And how did you contact them?

8 A. Via email.

9 Q. Do you remember the contents of the emails?

10 A. Asking them to vote against it.

11 Q. Did they vote against it?

12 A. I don't know.

13 Q. Do you have a copy of that email?

14 A. I have no idea.

15 Q. Was it the same email to each one of them?

16 A. Yes.

17 Q. And you sent it from your computer?

18 A. Yeah.

19 Q. Would it still be on your computer?

20 A. I don't think so. I don't know.

21 Q. Why do you think so? You said you don't think  
22 so. Why would it not be?

23 A. Because at that point I didn't keep emails.

24 Q. Can you look on your computer and see if you

1 still have, them please? Obviously not right now.

2 A. Okay.

3 ATTORNEY TRYON: And then if so, we would  
4 request copies of those from counsel. And we can make a  
5 formal request or we can just have this be the formal  
6 request if you prefer?

7 ATTORNEY BLOCK: I prefer this to be the  
8 formal request. We will follow up with you.

9 ATTORNEY TRYON: Thank you.

10 BY ATTORNEY TRYON:

11 Q. Did you ever receive a response from either one  
12 of those legislators?

13 A. No.

14 Q. Did that bother you?

15 A. Yes.

16 Q. Did you do any kind of follow-up?

17 A. No.

18 Q. Did you contact any other public officials about  
19 that piece of legislation?

20 A. I called the Governor's Office and asked them  
21 not to sign it.

22 Q. Did you get to talk to the Governor?

23 A. No.

24 Q. Do you know who you talked to?

1 A. A voicemail.

2 Q. Did you ever hear back?

3 A. No.

4 Q. He never saw this?

5 A. No.

6 Q. And then once you saw that the law was actually  
7 passed, did you do anything else?

8 A. I contacted the ACLU and asked if they were  
9 going to fight against this law.

10 Q. And how did you contact them?

11 A. By phone.

12 Q. Was that your first contact with the ACLU?

13 A. Correct.

14 Q. About anything at all?

15 A. Yep.

16 Q. And why did you think to call the ACLU?

17 A. Because they fight for civil liberties.

18 Q. So you just had that background knowledge about  
19 the ACLU, you thought I will call the ACLU or was there  
20 anything else that triggered your ---?

21 A. I felt like my daughter's --- I felt like my  
22 daughter's civil liberties were being violated.

23 Q. And that was after the law was passed?

24 A. Correct.

1 Q. On the Complaint it has your name as next friend  
2 and mother of BPJ.

3 Do you recall that?

4 A. Yes.

5 Q. And do you know why your name is on there?

6 A. Because I'm the next friend and mother of BPJ.

7 Q. Do you know why that is legally --- what the  
8 legal impetus behind that is?

9 A. The next friend part?

10 Q. Do you know why your name needs to be on that  
11 part of the document?

12 A. Because I'm the adult. I'm the mom.

13 Q. So it's your understanding simply because BPJ is  
14 a minor your name needed to be on there in some  
15 capacity?

16 A. Yes.

17 Q. Did you review the Complaint before it was  
18 filed?

19 A. I don't remember. I reviewed documents.

20 Q. Let's take a look at Exhibit 32, which is the  
21 Complaint.

22 ATTORNEY BLOCK: Before we do that I just  
23 want to check to see if the witness needs a break at  
24 all.

1                   THE WITNESS:   I'm good.

2                   ATTORNEY TRYON:   I'm nearing the end.

3                   THE WITNESS:   Oh, yeah, this.

4                   BY ATTORNEY TRYON:

5           Q.       Before we turn to that, let me ask you real  
6           quick, my colleague gave two names.   Would the  
7           legislators have been Patrick Martin?

8           A.       Pat Morrisey.

9           Q.       Okay.

10                  Well, Morrisey is the Attorney General.   Is  
11           there another Morrisey?   Mike Romano?

12           A.       Mike Romano, yeah.

13           Q.       Okay.

14                  Having this in front of you now, do you recall  
15           reviewing this before it was filed?

16           A.       Yes.

17           Q.       On page eight there is a picture of BPJ?

18           A.       Yeah.

19           Q.       Is that a picture that you supplied?

20           A.       Yes.

21           Q.       And so it appears to be to me that BPJ is  
22           wearing makeup.

23                  Is that right?

24           A.       Yes, for cheer competition.



1 Q. And did BPJ apply that makeup or did you?

2 A. We both did it.

3 Q. And BPJ is wearing an Indian jersey.

4 Is that right?

5 A. Correct.

6 Q. Is BPJ part American Indian?

7 A. No, she cheers for the Indians.

8 Q. Is that the name of the local team?

9 A. Yes.

10 Q. Not the Cleveland Indians?

11 A. No, not that they're known as Cleveland Indians  
12 anymore.

13 Q. I understand.

14 A. The Cleveland Guardians.

15 Q. I understand. I'm from Cleveland.

16 A. Oh, are you a Browns fan?

17 Q. You know, I think we'll just leave that alone.  
18 We can talk about it off the record. How's that?

19 Were you asked if you agreed with everything in  
20 here before it was filed?

21 A. Yes.

22 Q. And do you understand the legal issues?

23 A. Which legal issues?

24 Q. Well, it talks about on --- you know, I should

1 just clarify. What I'm showing you is the Amended  
2 Complaint. There was a prior Complaint that was filed  
3 and then there was a subsequent that was filed for  
4 clarification for the record. So on page 20 there's  
5 count one?

6 A. Yes.

7 ATTORNEY BLOCK: Just objection. I'm  
8 just going to refer back to our standing objections.

9 ATTORNEY TRYON: Okay. I haven't asked  
10 the question yet, but that's okay.

11 BY ATTORNEY TRYON:

12 Q. Having --- did you review this count one?

13 A. A while back.

14 Q. And in your own mind or your own terminology  
15 would you be able to explain what you understand count  
16 one to ask or claim?

17 A. Well, I'd say that she is protected under Title  
18 IX.

19 Q. What do you know about Title IX? And if you  
20 don't know anything about it, that's okay. I'm just  
21 asking for your --- what you know because your lawyers  
22 are the ones that really put this aspect of it together.  
23 I just want to understand your understanding.

24 ATTORNEY BLOCK: Objection to the form.

1 BY ATTORNEY TRYON:

2 Q. Go ahead.

3 A. You could be denied based on your sex, meaning  
4 your biological sex.

5 Q. I didn't understand your answer. Could you say  
6 that again?

7 A. You could be denied benefits based on your  
8 biological sex, benefits afforded to you under Title IX.

9 Q. And then Count 2, if you could take a look at  
10 that and tell me what your own understanding of what  
11 that is about?

12 A. It's about the equal protection clause of the  
13 14th Amendment.

14 Q. Do you know anything about that?

15 ATTORNEY BLOCK: Objection, vague.

16 BY ATTORNEY TRYON:

17 Q. Do you know anything about the equal protection,  
18 the claim for equal protection --- excuse me, the 14th  
19 Amendment, the equal protection clause?

20 A. It's just equal protection under the law.

21 Q. Have you looked into what that law is at all on  
22 your own?

23 ATTORNEY BLOCK: Objection, vague.

24 THE WITNESS: No.

1 BY ATTORNEY TRYON:

2 Q. I didn't hear you.

3 A. No.

4 Q. Let me go back to the title, though. I'm just  
5 going to ask you one more question about it. Where it  
6 says BPJ, her next friend and mother, Heather Jackson,  
7 is there a reason you were selected to be the next  
8 friend as opposed to your husband as the next friend and  
9 father?

10 A. I'm the one that reached out for help in the  
11 first place.

12 Q. Did anyone ask if your husband wanted to be  
13 named on here as also another next friend and parent?

14 ATTORNEY BLOCK: Just objection to the  
15 extent that this calls for communications with your  
16 attorneys. I'm instructing you not to answer.

17 BY ATTORNEY TRYON:

18 Q. Without any communication with your attorney,  
19 did you have a discussion with your husband about him  
20 being named on here?

21 A. My husband and I have been hand in hand  
22 throughout this whole procedure.

23 Q. I understand. That wasn't my question. My  
24 question was did you have any discussion with his name

1 appearing on here as well?

2 A. No.

3 Q. Let me ask you about Exhibit WV 23R.

4 A. Okay.

5 Q. So on the third page of this document?

6 A. Yes.

7 ATTORNEY TRYON: Can the court reporter  
8 put that up?

9 VIDEOGRAPHER: I'm looking. I don't see  
10 a 23R, I just see a 23.

11 ATTORNEY TRYON: Put up 23, and then it  
12 should be --- if you scroll down it should be there.

13 VIDEOGRAPHER: So I got that article and  
14 then it moves into 24.

15 ATTORNEY TRYON: Well, my apologies. We  
16 will use 23 for this deposition. And as we've already  
17 indicated, we will not be using this exhibit with BPJ.

18 BY ATTORNEY TRYON:

19 Q. So on the --- so can you look at 23?

20 A. Yes.

21 Q. So on the --- this is an article from 2016. And  
22 in 2016 you were already referring to BPJ as B [REDACTED] and  
23 using the pronouns her.

24 Right?

1 A. Correct, with family.

2 Q. So then, yes, my question is on page three, when  
3 you're talking to apparently the reporter you say  
4 Stratton looks forward to it. He does this every year  
5 because he says he wants to help other babies. Why did  
6 you continue to use [REDACTED] name in public?

7 ATTORNEY BLOCK: Objection, the document  
8 looks like [REDACTED] is in brackets from the quote you  
9 read.

10 ATTORNEY TRYON: Yes.

11 BY ATTORNEY TRYON:

12 Q. So ma'am, let's be ---.

13 ATTORNEY TRYON: Thank you for that  
14 clarification.

15 BY ATTORNEY TRYON:

16 Q. Did you, in fact, refer to BPJ as [REDACTED] when  
17 you talked to the reporter for this article?

18 A. Yes.

19 Q. And why did you do that?

20 A. Because it was public, not private.

21 Q. And when did you go public?

22 ATTORNEY BLOCK: Objection, vague.

23 THE WITNESS: I don't know the date.

24 BY ATTORNEY TRYON:

1 Q. Okay.

2 Let's take a look at 25.

3 VIDEOGRAPHER: There's 23R. It was right  
4 after 24R.

5 ATTORNEY TRYON: Oh, well, my apologies.

6 BY ATTORNEY TRYON:

7 Q. Do you have 25 in front of you?

8 A. Correct.

9 Q. So on the second page of that exhibit it appears  
10 to have a quote from BPJ saying I just want to run. I  
11 come up from a family of runners, P [REDACTED] J [REDACTED] said in  
12 a news release. I know how hurtful a law like this is  
13 to all kids like me who just want to play sports with  
14 their classmates and I'm doing this for them. Trans  
15 kids deserve better, closed quote. Now, sometimes  
16 newspapers misreport things, so I'm asking you if you  
17 know if that's an accurate quote?

18 A. That is accurate.

19 Q. Was that an oral statement that BPJ made?

20 A. Oral.

21 Q. And did you help her come up with that or did  
22 BPJ come up with that all on BPJ's own?

23 A. BPJ.

24 Q. So what exactly is BPJ doing for others, for

1     them?

2                     ATTORNEY BLOCK:   Objection, vague,  
3     foundation.

4                     THE WITNESS:   She wants all kids to be  
5     able to run with the teams that they identify with or  
6     play with the teams that they identify with.

7     BY ATTORNEY TRYON:

8         Q.       And trans kids deserve better, do you know what  
9     that meant?

10                    ATTORNEY BLOCK:   Objection, speculation.

11                    THE WITNESS:   They deserve to be treated  
12     equally.

13     BY ATTORNEY TRYON:

14         Q.       On the next page, at the top of that page, the  
15     second paragraph says the Complaint complains that House  
16     Bill 3293 was prompted by unfounded stereotypes. Do you  
17     have an opinion on what those unfounded stereotypes are?

18         A.       Unfounded stereotypes ---.

19                    ATTORNEY BLOCK:   Just objection to  
20     reading only part of the sentence.

21     BY ATTORNEY TRYON:

22         Q.       Go ahead.

23         A.       The fear that if she runs on a girls team, that  
24     she's going to beat all the other girls because she was



1 born as a biological sex male. That's an unfounded  
2 stereotype.

3 Q. How about false scientific claims, do you know  
4 what that is?

5 A. Same thing.

6 Q. Do you know what baseless fear and  
7 misunderstandings of girls who are transgender, do you  
8 know what that refers to?

9 A. Same thing.

10 Q. Well, what's the fear?

11 A. The fear that they're going to beat out all the  
12 other competition and win all the awards and get all the  
13 scholarships.

14 Q. Okay.

15 And just to be clear that --- I think I  
16 understood the prior testimony, you don't have any data  
17 or articles or scientific claims to support this data,  
18 do you?

19 ATTORNEY BLOCK: Objection to form.

20 THE WITNESS: I don't have anything.

21 BY ATTORNEY TRYON:

22 Q. Has anything been shown to you?

23 ATTORNEY BLOCK: Objection to form,

24 vague.

1 BY ATTORNEY TRYON:

2 Q. You're shaking your head no. Is that a no?

3 A. Shown to me in regards to ---?

4 Q. Thank you for asking for that clarification. Do  
5 you have any --- this talks about false scientific  
6 claims. Do you have any scientific evidence to show  
7 that those claims are false?

8 A. I don't have anything to show that they're false  
9 or true.

10 Q. And you haven't seen anything, have you?

11 A. No.

12 Q. Okay.

13 Let me ask you to take a look at Exhibit 27.  
14 And I'm going to ask you a question about the seventh  
15 page in. It's actually the last page of the article  
16 itself.

17 A. Okay.

18 Q. All right.

19 So on that page B [REDACTED] is quoted as --- B [REDACTED]  
20 was devastated. She said, quote, I felt horrible  
21 because I knew then I couldn't run with the other girls.  
22 So is that her quote or did somebody supply that to her?

23 A. No, that's her.

24 Q. And then it says B [REDACTED] immediately started

1 discussing potential lawsuit with her mom. Can you  
2 explain that to me?

3 A. She wanted to know what we could do to fight it.

4 Q. Did she raise that before you did or ---

5 A. Yes.

6 Q. --- on her own?

7 A. Yes. She wanted to know how we could fight it.

8 Q. So it sounds like, and correct me if I'm wrong,  
9 it sounds like the lawsuit was initially --- let me  
10 rephrase that. Was the lawsuit her idea or just the  
11 idea of fighting it?

12 A. The idea of fighting it.

13 ATTORNEY BLOCK: Objection to the form.

14 THE WITNESS: The idea of fighting it.

15 BY ATTORNEY TRYON:

16 Q. And then how was the idea of a lawsuit, how did  
17 that come to pass?

18 A. That was the only way we could fight it.

19 Q. Well, did you come up with that idea or did that  
20 idea come after you called the ACLU?

21 A. I asked for help.

22 Q. In the form of a lawsuit or was that a  
23 suggestion they made to you?

24 A. No, a suggestion I made.

1 Q. Okay.

2 Exhibit 29.

3 A. Okay.

4 Q. I'm going to ask you a question about the third  
5 paragraph down. That starts with the term --- with the  
6 words that I just want to run. Take your time to read  
7 through this as much as you want, and I just have a  
8 question about that.

9 A. Okay.

10 Q. So this appears to be a press release by Lambda  
11 Legal. And this appears to be a quote attributed to  
12 B[REDACTED]. In the third paragraph it says I just want to  
13 run and the State wants to stop me from running as part  
14 of a team at my school, said B[REDACTED], an 11-year-old  
15 middle school student. I love running and being part of  
16 a team. And the State of West Virginia should explain  
17 in court why they won't let me, closed quote.

18 You know, sometimes in the press releases like  
19 this the person putting together the press release puts  
20 together a quote and then attributes it to --- shows it  
21 to the person to whom it's attributed and says is this  
22 okay for me to say. And other times it's something that  
23 the person quoted actually said. Can you tell me which  
24 one of those it is?

1 A. That's B[REDACTED].

2 ATTORNEY BLOCK: Objection to the form.  
3 Objection to the form.

4 THE WITNESS: That's B[REDACTED].

5 BY ATTORNEY TRYON:

6 Q. So she came up with this quote all on her own?

7 A. Yes.

8 Q. And so she wants the State of West Virginia to  
9 explain in court why they won't let BPJ run as part of  
10 the team.

11 Right?

12 A. Yes.

13 Q. Okay.

14 When this lawsuit was filed, did she understand  
15 that she might be subject to a deposition?

16 A. We didn't even know what a deposition was.

17 Q. Okay.

18 So I'll ask the same question of you, although  
19 I think the answer is obvious. At the time that you  
20 filed this lawsuit, did you know that you might be  
21 subject to a deposition?

22 A. I didn't even know what a deposition was.

23 Q. So the answer would be no?

24 A. That would be a no.

1                    ATTORNEY TRYON: Let me go off the record  
2 for just a minute and see if I have any other questions.

3                    VIDEOGRAPHER: Going off the record. The  
4 current time reads 3:23 p.m.

5 OFF VIDEOTAPE

6                    ---

7 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

8                    ---

9 ON VIDEOTAPE

10                   VIDEOGRAPHER: We are back on the record.  
11 The current time reads 3:27 p.m.

12 BY ATTORNEY TRYON:

13            Q. I want to go back and just reconfirm something  
14 about --- you said you wrote to two legislators. And we  
15 just checked to see which legislators are in your  
16 district, and one is Patrick Martin and one is Mike  
17 Romano.

18            A. That's who it is. It's Patrick Martin.

19            Q. Okay.

20                    Very good. And then I'm interested, given  
21 there's been a fair amount of publicity in this case,  
22 have you received media inquiries about this case?

23            A. The only inquiries I have had has come to me  
24 through my lawyers.

1 Q. Okay.

2 Do you have any --- has anyone contacted you  
3 about you or BPJ being some sort of representative or  
4 advocate for transgender rights?

5 A. No.

6 Q. And you said that you have received --- no, let  
7 me rephrase that. Have you received any press inquiries  
8 about this case through your attorneys?

9 A. The inquiries I have were the ones that you  
10 brought forth as exhibits.

11 Q. There weren't any others?

12 A. No.

13 Q. Well, I should represent to you there are a few  
14 others that I have not shown.

15 A. Okay.

16 Q. So I'm not trying to trick you. I just want to  
17 --- but you don't remember any others right now?

18 A. No, but I haven't seen all the exhibits either.  
19 I don't know if you have them in here as exhibits.

20 Q. Yeah, and that's fine. If you don't remember  
21 any others, that's all right. There are one or two  
22 more, but that's okay.

23 ATTORNEY TRYON: I don't think I have any  
24 other questions at this time, subject to any follow-up

1 after other questions and any other reservation rights  
2 we might make at the end of this deposition. Thank you  
3 for your time.

4 ATTORNEY BLOCK: Before other counsel  
5 begins, do you need a break, Heather?

6 THE WITNESS: I would like to use the  
7 restroom.

8 ATTORNEY BLOCK: Okay.

9 So let's come back at 3:35, everyone.

10 ATTORNEY TRYON: Okay. Thank you.

11 VIDEOGRAPHER: Going off the record. The  
12 current time reads 3:29 p.m.

13 OFF VIDEOTAPE

14 ---

15 (WHEREUPON, A BREAK WAS TAKEN.)

16 ---

17 ON VIDEOTAPE

18 VIDEOGRAPHER: We are back on the record.  
19 The current time reads 3:36 p.m.

20 ---

21 EXAMINATION

22 ---

23 BY ATTORNEY GREEN:

24 Q. All right. We are back on the record. And I've



1 just --- the State has signed off officially, and so ---  
2 oh, there you are. You just popped her into the screen.  
3 It took me a minute to find her.

4 Ms. Jackson, my name is Roberta Green. I'm an  
5 attorney here on behalf of West Virginia Secondary  
6 School Activities Commission, also known as WVSSAC.

7 Do you know the those initials, WVSSAC?

8 A. Yes, I know the WVSSAC initials. Yes.

9 Q. Okay. Great. So if I refer to it then --- it  
10 as WVSSAC, you'll know who I mean?

11 A. Yes, yes.

12 Q. That will save us ten words every time I --- so  
13 I just have a few questions for you today. If I  
14 understood your testimony correctly, you learned of  
15 House Bill 3293 when you heard about it on the news.

16 Is that accurate?

17 A. Yes, that's accurate.

18 Q. Do you recollect whether at any time prior to  
19 learning of House Bill 3293 you had notified WVSSAC of  
20 BPJ's interest in running on the girls cross-country  
21 team?

22 A. I did not notify them of her desire.

23 Q. All right.

24 And at any time prior to filing the lawsuit do

1 you recall whether you ever notified WVSSAC of BPJ's  
2 interest in running on the girls cross-country team?

3 A. I did not contact the WVSSAC in advance.

4 Q. All right.

5 And do you know whether at any time, like up  
6 until today, you have contacted WVSSAC to notify them of  
7 BPJ's interest in running on the girls cross-country  
8 team?

9 A. I have not.

10 ATTORNEY GREEN: Okay.

11 I don't think I have any other questions.  
12 So thank you very much. I appreciate it.

13 ---

14 EXAMINATION

15 ---

16 BY ATTORNEY DENIKER:

17 Q. Good afternoon, Ms. Jackson. My name is Susan  
18 Deniker. I introduced myself earlier today, but I  
19 represent the Harrison County Board of Education and  
20 superintendant Dora Stutler in this litigation. Thank  
21 you for your time today. I know it's been a long day  
22 and I appreciate you hanging in there with us.

23 I do have some additional questions for you.  
24 If I ask you anything that you don't understand today

1 please tell me and I'll be glad to rephrase the  
2 question. If you don't do that I will assume that you  
3 have understood the question.

4 Is that fair?

5 A. Okay.

6 Q. Thank you.

7 Ms. Jackson, tell me about BPJ's education.  
8 Did she start her education in Harrison County schools?

9 A. Yes, she started her education in Harrison  
10 County schools.

11 Q. And did she start in pre-K or in kindergarten?

12 A. Kindergarten.

13 Q. Did she have any formal education before going  
14 to kindergarten? In other words, was she in a  
15 pre-school program or a pre-K program anywhere before  
16 starting kindergarten?

17 A. No.

18 Q. And did she do her entire elementary schooling  
19 at Norwood Elementary?

20 A. Yes, she did.

21 Q. Tell me the first --- well, in general, how was  
22 your experience for --- how was the experience for BPJ  
23 at the Norwood Elementary School did she have a positive  
24 experience at that elementary school?

1 A. She had a positive experience.

2 Q. The current Superintendent of Harrison County  
3 schools is Dora Stutler. Was she the principal at  
4 Norwood during part of the time period that BPJ would  
5 have been enrolled at Norwood Elementary School?

6 A. Yes, she was.

7 Q. So you had interactions with Ms. Stutler while  
8 she was the principal at Norwood.

9 Is that true?

10 A. Interactions, yes.

11 Q. And were your interactions with her positive?

12 A. I think I've received a couple phone calls from  
13 her in regards to B [REDACTED], that maybe she had concerns  
14 over not getting a homework assignment in or that kind  
15 of thing, but it was positive criticism.

16 Q. So your interactions with Ms. Stutler when she  
17 was principal at Norwood Elementary School were all  
18 professional in nature?

19 A. Yes.

20 Q. And you didn't have any concerns with those  
21 communications?

22 A. No concerns.

23 Q. Did your other --- did your two older children,  
24 your sons, did they go through Norwood Elementary School

1 as well?

2 A. Yes.

3 Q. And did you have any issues or concerns when  
4 they went through Norwood Elementary School?

5 A. Correct that. My oldest one transferred from  
6 St. Mary's to Bridgeport Middle. My second one was all  
7 in Norwood.

8 Q. Okay.

9 A. I think his kindergarten year, there was no room  
10 at Norwood and he had to go to Johnson.

11 Q. Very good.

12 So you transferred your oldest child to St.  
13 Mary's?

14 A. From St. Mary's directly to Bridgeport Middle,  
15 so I correct that.

16 Q. So your middle --- your middle child, that child  
17 did go through Norwood Elementary School?

18 A. Yes, yes.

19 Q. Any issues or concerns during his time at  
20 Norwood Elementary School?

21 A. No.

22 Q. When did you first make any employees of Norwood  
23 Elementary School or anybody in Harrison County schools  
24 aware that BPJ identified as a female and was a

1 transgender student?

2 A. I contacted Mr. James Thornton, who was the  
3 school counselor, but I don't know the date.

4 Q. Do you recall what grade BPJ was in at the time?

5 A. Third.

6 Q. And Mr. Thornton was the guidance counselor at  
7 Norwood Elementary School at that time?

8 A. Yes.

9 Q. And can you tell me at about that communication?  
10 What was discussed when you contacted Mr. Thornton?

11 A. That B [REDACTED] is a transgender female and wishes to  
12 be --- conduct her life as such and her pronouns were  
13 she/her.

14 Q. What was Mr. Thornton's response to that?

15 A. He understood and was going to take it to a  
16 higher power. I'm guessing it was the principal at the  
17 time.

18 Q. Was there anything else that you can recall that  
19 was part of that initial communication with Mr. Thornton  
20 about BPJ's transgender status?

21 A. That she was going to start presenting as a  
22 female at school.

23 Q. And then what was Mr. Thornton's response to  
24 that?

1           A.       The same, that he would go ahead and handle what  
2       had to be handled on his end.

3           Q.       Did you find him to be supportive of ---?

4           A.       Yes.

5           Q.       Did you say extremely?

6           A.       Extremely supportive of Becky's transition.

7           Q.       Very good. Did Mr. Thornton, in fact, get back  
8       to you after he spoke with the principal?

9           A.       I don't recall.

10          Q.       What was --- what was the next communication  
11       that you recall having with the school officials with  
12       regard to B [REDACTED] transition?

13          A.       I would have had contact with her teacher at  
14       that time. I can't remember her name at that time. And  
15       realizing that she was going to have questions or that  
16       the students would have questions, but I can't remember  
17       that teacher's name. I apologize.

18          Q.       That's no problem.

19                    Tell me about the nature of your communications  
20       with --- this would have been the third grade teacher.

21                    Is that correct?

22          A.       Right, right. That she was going to start  
23       presenting as a female at school.

24          Q.       And was the teacher supportive of that?

1 A. Yes.

2 Q. And then BPJ did start presenting as a female at  
3 school I think I heard you testify earlier.

4 Is that correct?

5 A. That is correct.

6 Q. Were there any problems or issues with that?

7 A. The only thing that I know of is that the  
8 teacher did get questions as to why B [REDACTED] was dressing  
9 the way she was dressing, and her answer was she's B [REDACTED]  
10 and that's what makes her happy.

11 Q. Were you comfortable with that response from the  
12 teacher?

13 A. Yes.

14 Q. And so in the third grade did you have any  
15 concerns with regard to how the school handled B [REDACTED]  
16 transition?

17 A. No, I did not.

18 Q. And then BPJ also would have been enrolled at  
19 Norwood Elementary School in the fourth and fifth  
20 grades.

21 Is that true?

22 A. That is correct.

23 Q. And at that point she was --- in those grades  
24 she was fully transitioned ---



1 A. Correct.

2 Q. --- to being a female student.

3 Is that correct?

4 A. Correct.

5 Q. And did you have any issues or concerns with the  
6 way school officials handled that?

7 A. School officials handled it quite well.

8 Q. So during BPJ's tenure as a student at Norwood  
9 Elementary School did you have any concerns or issues  
10 with regard to how school officials handled --- how your  
11 daughter wanted to handle her transgender status and how  
12 she wanted to present at school?

13 A. They respected her transition and her  
14 transgender status. They used her correct pronouns,  
15 which was she/her.

16 Q. That was something that was important to you and  
17 BPJ.

18 Is that correct?

19 A. Correct.

20 Q. So part of that --- my understanding is that  
21 part of the communications that you would have had with  
22 school officials at Norwood Elementary School included  
23 completing a Gender Support Plan for BPJ.

24 Is that correct?

1 A. That is correct.

2 Q. And I'll ask you --- I'm going to ask you about  
3 both Gender Support Plans because I know you're having  
4 to grab things. I'm going to ask you about Exhibits 17  
5 and 19, if you want to pull them out. We'll look at  
6 Exhibit 17 first.

7 A. I've got 17 in front of me.

8 Q. Okay. Very good. We'll start there. We can  
9 get to 19 when we get there.

10 And you can take as much time as you want to  
11 review this, but my initial question is going to be is  
12 this the Gender Support Plan that was in place when BPJ  
13 was at Norwood Elementary School?

14 A. Yes, it is.

15 Q. And you would agree with me that this document  
16 is dated August 23rd, 2019?

17 A. Correct.

18 Q. And this was a document that the Harrison County  
19 Board of Education had in place, so that there was a  
20 process to discuss a combination of a student who's  
21 transgender like BPJ.

22 Is that correct?

23 ATTORNEY BLOCK: Objection to form.

24 THE WITNESS: That's my understanding.

1 BY ATTORNEY DENIKER:

2 Q. And in fact, did you meet with school officials  
3 from the Harrison County Board of Education to develop  
4 this Gender Support Plan to support BPJ?

5 A. I met with the people that are listed on the  
6 last page of the Gender Peer Support Plan.

7 Q. Was there anybody present in the meeting on  
8 August 23rd, 2019, whose name doesn't appear on the  
9 signature page on page five, which is Bates number BPJ  
10 011?

11 A. I don't know. I know that we were all supposed  
12 to sign it to say that we were there in attendance. So  
13 I presume everyone signed it.

14 Q. In looking at this signature page, do you recall  
15 anybody being there whose name you don't see there?

16 A. I don't off the top of my head, no.

17 Q. Is your signature on this document?

18 A. Yes, ma'am, it is.

19 Q. And it looks like BPJ's signature is on this  
20 document as well.

21 Is that correct?

22 A. Correct, because she was in attendance. She had  
23 to sign it.

24 Q. So she was part of this meeting.

1 Is that right?

2 A. That's correct.

3 Q. Did you find the school officials that  
4 participated in this process to be respectful of you and  
5 of BPJ?

6 A. Yes, I did.

7 Q. And did you find that the purpose of this was to  
8 help accommodate any needs that BPJ might have as a  
9 transgender student?

10 ATTORNEY BLOCK: Objection to form.

11 THE WITNESS: That's my understanding that  
12 that was the purpose of the document.

13 BY ATTORNEY DENIKER:

14 Q. Did you --- were you in agreement with the  
15 Gender Support Plan that was put into place through this  
16 August 23rd, 2019 document?

17 A. Yes, I was in agreement with it.

18 Q. Was BPJ in agreement with it?

19 A. Yes, as much as she understood. Yes.

20 Q. And did you believe that the school followed  
21 through and accommodated her in accordance with this  
22 Gender Support Plan while she was at the Norwood  
23 Elementary School?

24 A. They followed the Gender Support Peer Plan, yes.

1 Q. So is it fair to say that you didn't have any  
2 issues or concerns of BPJ's treatment as a transgender  
3 student during the time that she was a student at  
4 Norwood Elementary School?

5 A. I would say correct.

6 COURT REPORTER: I'm sorry. I'm sorry.  
7 Can you state that question one more time? It was a  
8 little fast.

9 ATTORNEY DENIKER: I will try to do that.

10 BY ATTORNEY DENIKER:

11 Q. Is it fair to say that you did not have any  
12 issues or concerns with BPJ's treatment as a transgender  
13 student during the time that she was enrolled as a  
14 student at Norwood Elementary School?

15 A. We had no issues.

16 Q. Ms. Jackson, to confirm, it is my understanding  
17 that Harrison County Schools does not offer  
18 school-sponsored athletics for students who are in  
19 elementary school. Is that consistent with your  
20 understanding?

21 A. That's my understanding.

22 Q. And I heard you testify earlier that BPJ  
23 participated in cheerleading, which was not a  
24 school-related activity, while we was in elementary

1 school.

2 Is that correct?

3 A. That was through the Bridgeport Youth Football.

4 Q. And that's not affiliated with the Harrison  
5 County Board of Education.

6 Is that correct?

7 A. That is --- that is correct.

8 Q. So the first time that BPJ was eligible to  
9 participate in school-sponsored sports was when she went  
10 to middle school for this coming academic year.

11 Is that correct?

12 A. That is correct.

13 Q. And BPJ, is she currently in the 6th grade?

14 A. That is correct.

15 Q. And is she still 11 years old?

16 A. Yes.

17 Q. And prior to her --- so she would have  
18 transferred from Norwood Elementary School to Bridgeport  
19 Middle School for the beginning of this academic year.

20 Is that correct?

21 A. Correct.

22 Q. And it's my understanding that Bridgeport Middle  
23 School is a three-year middle school that has grades  
24 six, seven and eight.

1 Is that correct?

2 A. That is correct.

3 Q. Your older children, your two sons, have they  
4 both gone through Bridgeport Middle School?

5 A. Yes, they have.

6 Q. So you're familiar with the school?

7 A. Yes.

8 Q. And you were familiar with it before BPJ  
9 enrolled there.

10 Is that correct?

11 A. Yes.

12 Q. And did you have --- well, strike that.

13 Now, I am going to ask you to look at Exhibit  
14 Number 19, if you can find it, please.

15 A. I got to find it. Can they bring it up on the  
16 screen rather than me finding it?

17 Q. Yes. And if you need to see a paper copy, I'll  
18 be glad to take a break for you to be able to find it.

19 A. That's okay. I can look on the screen. I'm  
20 familiar with this document.

21 Q. Great. Would you agree with me that this  
22 document we just marked as Exhibit West Virginia 19 is a  
23 Gender Support Plan for BPJ, which is dated May 18th,  
24 2021?

1 A. Correct.

2 Q. And was this a meeting that you would have had  
3 with school officials to create another Gender Support  
4 Plan for BPJ?

5 A. Correct.

6 Q. May 18th of 2021, at that time am I correct that  
7 BPJ would have been finishing her 5th-grade year at  
8 Norwood at that time?

9 A. Yes.

10 Q. So this meeting was done in preparation for  
11 BPJ's transition to Bridgeport Middle School.

12 Is that correct?

13 A. Correct, and the meeting was held at Norwood.

14 Q. And as before, the folks that were in  
15 attendance, are their signatures on page five of this  
16 document, which is Bates number BPJ 006?

17 A. Yes, I presume that is everyone that was there.  
18 We were all asked to sign in if we attended.

19 Q. And again, as I asked you before, is there  
20 anybody who you recall being present for this meeting  
21 whose name or signature doesn't appear on page five of  
22 this document?

23 A. I don't think so.

24 Q. Is your signature on this document?



1 A. Yes, it is.

2 Q. And I also see BPJ's signature on this document.  
3 Is that correct?

4 A. Yes.

5 Q. This included --- even though it was held at  
6 Norwood Elementary School, this did include school  
7 officials from Bridgeport Middle School.

8 Is that correct?

9 A. Correct.

10 Q. And this included a discussion about  
11 accommodation for BPJ once she got to the middle school  
12 for this current academic year.

13 Is that correct?

14 A. Correct.

15 Q. Was this meeting conducted professionally in  
16 your opinion?

17 A. Yes.

18 Q. And were you able to discuss wishes, ideas, and  
19 concerns you had about accommodations for BPJ as she was  
20 starting into the middle school?

21 A. Yes.

22 Q. And did you feel like this was a positive  
23 meeting?

24 A. Yes.

1 Q. Dave Mazza is somebody who's on the signature  
2 page. He's the principal at Bridgeport Middle School.

3 Is that correct?

4 A. That is correct.

5 Q. Did you know Mr. Mazza before you had this  
6 meeting?

7 A. Yes.

8 Q. And again, you would have been a parent of  
9 students who have been at Bridgeport Middle School.

10 Is that correct?

11 A. That is correct.

12 Q. Your middle child, Ms. Jackson, I'm trying to  
13 figure out the ages, is he a couple of years older than  
14 BPJ?

15 A. Thirteen (13).

16 Q. He's 13. And what grade is he currently in?

17 A. Eighth.

18 Q. So you have two children currently at the middle  
19 school.

20 Is that correct?

21 A. That is correct.

22 Q. Okay.

23 So Mr. Mazza wasn't new to you in this meeting?

24 A. That is correct.

1 Q. And did you have a --- prior to this meeting,  
2 did you have a positive relationship with Mr. Mazza?

3 A. That is correct.

4 Q. He's a nice guy, isn't he?

5 A. He is.

6 Q. And my experience with him has been that he's  
7 very student centered. Has that been your experience as  
8 it relates to your children?

9 A. He's extremely student oriented.

10 Q. He really cares about the students, doesn't he?

11 A. I believe so, yes.

12 Q. And I see that Tarra Shields was on this  
13 document. Is she the counselor at Bridgeport Middle  
14 School?

15 A. She's the principal I believe now, isn't she?

16 Q. Is she one of the principals there?

17 A. I think so, at Norwood.

18 Q. At Norwood?

19 A. At Norwood.

20 Q. That's right. That's right, Ms. Jackson. So  
21 she was there as the Norwood principal.

22 Is that correct?

23 A. Correct, correct.

24 Q. And it looks like Ms. Merrill was there and she

1 is a counselor at Bridgeport Middle School.

2 Is that correct?

3 A. That is correct.

4 Q. And how was your experience with her in this  
5 meeting?

6 A. Can you be more specific?

7 Q. Sure. Was she professional with you?

8 A. Yes.

9 Q. And was she helpful in terms of identifying  
10 appropriate accommodations for your daughter as she was  
11 getting ready to transition to the middle school?

12 A. Yes.

13 Q. Did you feel that the Bridgeport Middle School  
14 team was committed to making your daughter's transition  
15 to the school as a transgender student a positive  
16 experience?

17 A. Yeah. The only concern that was raised was the  
18 concern about her participating in cross-country.

19 Q. And I wanted to talk to you about this, Ms.  
20 Jackson. Let me ask you this. Other than conversation  
21 as it related to participation on the cross-country  
22 team, did you have any concerns at all about what was  
23 discussed during this meeting for the Gender Support  
24 Plan on May 18th, 2021?

1 A. No.

2 Q. So during this meeting it sounds like you did  
3 have a discussion with the school officials with regard  
4 to BPJ's participation in athletics.

5 Is that correct?

6 A. That is correct.

7 Q. And in fact, that's part of this plan is to  
8 discuss --- that is a topic to be discussed.

9 Is that correct?

10 A. I'm sorry. Can you repeat that?

11 Q. Sure. And I probably didn't ask it very well.  
12 And let me actually ask you by looking at the document.  
13 Let's look at page four of the document. And this is  
14 Bates number BPJ 005. And Ms. Jackson, I will ask you  
15 to look at the top of that document as we scroll up to  
16 it. And there's a specific section on this Gender  
17 Support Plan to have a discussion about the student's  
18 participation in extracurricular activities.

19 Would you agree with that?

20 A. Yeah, there's definitely information there  
21 regarding that.

22 Q. And it specifically also addresses sports,  
23 doesn't it?

24 A. Yes, specifically is cross-country and track.

1 Q. Okay.

2 And so I think the question on the form, it  
3 says, in what extracurricular programs or activities  
4 will the student be participating and then in  
5 parentheses it says sports, theater, clubs, et cetera,  
6 question mark. Did I read that accurately, Ms. Jackson?

7 A. Yes.

8 Q. And then in handwriting under that question it  
9 says cross-country and track.

10 Is that right?

11 A. That is correct.

12 Q. And did you fill this document out?

13 A. No, that is Ms. Merrill's handwriting.

14 Q. Okay.

15 And the entries that say cross-country and  
16 track, did that --- where did that information come  
17 from?

18 A. From B [REDACTED] and myself, that she wanted to  
19 participate in cross-country and track.

20 Q. Okay.

21 And that was noted on this form.

22 Is that correct?

23 A. Correct.

24 Q. And was there a discussion about BPJ's

1 participation in school sports and specifically  
2 cross-country and track since BPJ expressed an interest  
3 in that participation?

4 A. Yes. What was discussed is actually on that  
5 next line, about the coaches have to be aware of the  
6 transition.

7 Q. Okay.

8 The next line says what steps will be necessary  
9 for supporting the student there. And as you noted, it  
10 says coaches would need to be aware of Becky's  
11 transition. If teammates have questions, they can  
12 approach the coach or administration. Did you have any  
13 concern with that?

14 A. The only concern I had at the time was, was she  
15 going to be able to run on the girls cross-country team.

16 Q. And did you ask that question during the  
17 meeting?

18 A. It came up during the meeting. I don't know if  
19 it was in question form or in statement form.

20 Q. Do you remember who brought it up?

21 A. I brought it up.

22 Q. Do you remember what you said during the  
23 meeting?

24 A. Not specifically, just that I was concerned that

1 she would be able to run on the girls cross-country  
2 team.

3 Q. And did somebody respond to that inquiry from  
4 you?

5 A. David Mazza.

6 Q. And what did Mr. Mazza say?

7 A. That it would all depend on how the bill was  
8 going to come about, and that if she wanted to run, she  
9 wouldn't be able to run on the girls cross-country  
10 because of the bill.

11 Q. And when you say the bill, are you talking about  
12 House Bill 3293?

13 A. Yeah.

14 Q. And is that the bill that --- is it your  
15 understanding that it's House Bill 3293 that your  
16 current litigation seeks to overturn and address?

17 A. Yes.

18 Q. So were you aware as of the date of this Gender  
19 Support Plan, May 18th, 2021, what the status of House  
20 Bill 3293 was?

21 A. I just knew it was in legislature.

22 Q. And Mr. Mazza was also aware of it, it sounds  
23 like from his response to you.

24 Is that your understanding?



1 A. Yes.

2 Q. And so was there any further discussion of BPJ's  
3 ability to run on the girls team other than what you  
4 have already told me?

5 A. That was the gist of the conversation, was  
6 regarding my concerns whether or not she would be able  
7 to run on the girls cross-country team.

8 Q. And so you were aware of the House Bill --- and  
9 were you aware that it was a state law?

10 A. All I knew was about the bill.

11 Q. Okay.

12 And were you aware that that was a bill that  
13 was considered and passed by the West Virginia State  
14 Legislature?

15 A. I'm not sure what year it was passed. I know it  
16 was signed by the Governor in April.

17 Q. So you understood that the bill was signed by  
18 the Governor.

19 Correct?

20 A. Yes.

21 Q. I'm not trying to quiz you on dates here, Ms.  
22 Jackson, but were you aware that at some point the West  
23 Virginia Legislature passed that bill?

24 A. Yes. Yes, it was passed. Yes.

1 Q. Would you agree with me that there is no  
2 Harrison County Schools rule or policy that addresses  
3 transgender student participation in sports?

4 A. I don't know that there is or is not.

5 Q. Has anybody ever told you that there is a  
6 Harrison County policy or rule that would prohibit BPJ  
7 from participating in a girls sports team?

8 A. No one has ever told me that.

9 Q. And the only discussion that you had with Mr.  
10 Mazza with regard to BPJ's participation on a girls  
11 sports team related specifically to House Bill 3293.

12 Is that correct?

13 A. Can you repeat that question, please?

14 Q. Sure. The only conversation you had with Mr.  
15 Mazza with regard to BPJ's ability to participate in a  
16 girls sports team at Bridgeport Middle School related to  
17 House Bill 3293.

18 Is that correct?

19 A. Yes.

20 Q. Have you had any communication with any other  
21 official of Harrison County Board of Education or  
22 Harrison County Schools related to BPJ's ability to  
23 participate in girls sports?

24 A. No, I have not.

1 Q. So the only communication related to this  
2 occurred with Mr. Mazza on May 18th, 2021.

3 Is that correct?

4 A. Correct.

5 Q. And your only discussion about a possible  
6 limitation of BPJ's ability to participate in girls  
7 sports related to House Bill 3293.

8 Correct?

9 A. I'm sorry. I thought I answered that. Can you  
10 repeat the question? I'm confused.

11 Q. Sure. And your only communication then with  
12 anybody in Harrison County Schools related to BPJ's  
13 ability to participate on a girls sports team was with  
14 Mr. Mazza.

15 Correct?

16 A. Correct.

17 Q. And that conversation only related to BPJ's  
18 ability to run as it would have been impacted by House  
19 Bill 3293.

20 Is that correct?

21 A. The conversation was in regards to how --- if  
22 she would be able to run on the girls cross-country team  
23 and that would have been dictated by that House Bill.

24 Q. Mr. Mazza didn't tell you that it would be

1 dictated by anything else, did he?

2 A. No.

3 Q. And Mr. Mazza, he did not indicate to you that  
4 he wouldn't permit BPJ to participate on the girls team  
5 personally.

6 Is that correct?

7 ATTORNEY BLOCK: Objection to form.

8 THE WITNESS: Yeah. Can you repeat that  
9 question?

10 BY ATTORNEY DENIKER:

11 Q. Sure. Did Mr. Mazza tell you that he personally  
12 had any objection to BPJ participating on a girls sports  
13 team?

14 A. He never said those words, no.

15 Q. Okay.

16 And did anybody else in Harrison County Schools  
17 affiliated with Harrison County Schools in any way tell  
18 you that they wouldn't permit or had a problem with BPJ  
19 participating in a girls sports team?

20 ATTORNEY BLOCK: Objection. Compound  
21 question.

22 THE WITNESS: I didn't contact --- I  
23 wasn't in contact with any other individuals.

24 BY ATTORNEY DENIKER:

1 Q. So you didn't have any communications with  
2 anybody else about that.

3 Is that correct?

4 A. That is correct.

5 Q. Is there any other communication that you had  
6 with anybody in Harrison County Schools about BPJ's  
7 participation on a girls sports team other than what we  
8 just talked about?

9 A. No.

10 Q. Were you otherwise comfortable --- well, strike  
11 that.

12 This Gender Support Plan that is dated  
13 May 18th, 2021, is that currently in effect for BPJ?

14 A. Yes.

15 Q. And were you in agreement with that when you  
16 signed it on May 18th, 2021?

17 A. Correct.

18 Q. And have you had any issues or concerns or  
19 problems with the implementation of this Gender Support  
20 Plan during the school year?

21 A. With the Gender Support Plan I've had no issues.

22 Q. Did you raise any concerns with anybody within  
23 the Harrison County Board of Education or Harrison  
24 County Schools about your objections or disagreements

1 with House Bill 3293?

2 A. I hadn't had any conversations with those  
3 individuals.

4 Q. And when you say I hadn't I just want to make  
5 sure that sitting here today have you had any  
6 discussions with anybody affiliated with Harrison County  
7 Board of Education other than the communication you had  
8 with Mr. Mazza about concerns or problems you had with  
9 House Bill 3293?

10 A. I have not.

11 Q. Are you aware that there is an elected Board of  
12 Education for all of the county Boards of Education in  
13 West Virginia?

14 A. Yes.

15 Q. And are you aware that there is a specific  
16 County Board --- elected County Board of Education for  
17 Harrison County Schools?

18 A. Yes.

19 Q. Did you have any communications with anybody on  
20 the elected Board of Education with regard to BPJ and  
21 her ability to participate in girls sports teams?

22 A. I've had no contact with anybody on the elected  
23 board.

24 Q. Have you had any communication with Dora Stutler

1 with regard to BPJ's ability to participate in school  
2 sports?

3 A. No.

4 Q. Was BPJ permitted to participate in summer  
5 conditioning with the Bridgeport Middle School  
6 cross-country team in the summer of 2021?

7 A. Yes.

8 ATTORNEY BLOCK: Objection to form.

9 BY ATTORNEY DENIKER:

10 Q. And it's my understanding that the Middle School  
11 cross-country team at Bridgeport Middle School does the  
12 summer conditioning where they run together.

13 Is that correct?

14 A. They --- they all condition together, but they  
15 separate out into groups, if that makes sense.

16 Q. How were those groups separated? Do you know?

17 A. Normally by speed in the conditioning  
18 environment.

19 Q. Are they separated by sex or gender in any way?

20 A. Only by boys team and girls team.

21 Q. And was BPJ permitted to run then with the girls  
22 teams in the girls groups?

23 A. Correct.

24 ATTORNEY BLOCK: Objection to form.

1 BY ATTORNEY DENIKER:

2 Q. Did you have any issues or concerns with how BPJ  
3 was treated concerning conditioning?

4 A. No. The coaches were very respectful of her  
5 pronouns and her transgender identity.

6 Q. And was that true for the entire cross-country  
7 season?

8 A. The coaches --- yes, the coaches were very much  
9 so, yes.

10 Q. So you had --- did BPJ have a positive  
11 experience participating on the girls cross-country  
12 team?

13 A. Yes.

14 Q. And so I got a little bit ahead of myself  
15 because we were talking about summer conditioning and  
16 then there were tryouts for cross-country.

17 Is that correct?

18 A. That's correct.

19 Q. And did that take place in August of 2021?

20 A. Yes.

21 Q. And BPJ tried out for the girls cross-country  
22 team.

23 Is that correct?

24 A. That is correct.



1 Q. And she was permitted to do so by the middle  
2 school.

3 Is that right?

4 A. That is correct.

5 Q. And was she selected for membership on the girls  
6 cross-country team?

7 A. That is correct.

8 Q. And I think I heard you testify earlier that she  
9 did compete through the whole season on the girls  
10 cross-country team.

11 Is that right?

12 A. That is correct.

13 Q. And she had a good experience doing that?

14 A. Yes, she did.

15 Q. Good. I'm glad to hear that. And I had to  
16 laugh when Mr. Tryon was asking you questions about  
17 where she placed because it's clear to me that he has  
18 never been to a middle school cross-country meet because  
19 they're just --- even in high school, there are just  
20 tons of kids and lots of runners, aren't there?

21 A. There's tons of them, yes.

22 Q. And just for the record, my kids never came in  
23 first or second either, so I understand that.

24 Who were the coaches for the cross-country team

1 this year at the Bridgeport Middle School?

2 A. Schoonmaker or Shumaker, I'm not sure how to  
3 pronounce her name, and I can't remember the names of  
4 the other two.

5 ATTORNEY BLOCK: Sorry. Just can you  
6 give me a five-second pause while I move to the other  
7 room. My son is about to come home from school.

8 ATTORNEY DENIKER: Absolutely. No  
9 problem.

10 ATTORNEY BLOCK: Shift over. All set.

11 ATTORNEY DENIKER: That was fast.

12 ATTORNEY BLOCK: Small apartment.

13 BY ATTORNEY DENIKER:

14 Q. Ms. Jackson, I was asking you about the  
15 Bridgeport cross-country coaches. Are the coaches the  
16 same for the girls and the boys teams?

17 A. Yes, they are.

18 Q. And was the head coach Danielle I think maybe  
19 it's Schoonmacher?

20 A. Yes.

21 Q. And then you said there were two other coaches.  
22 I think one of them may be Natalie McBriar?

23 A. Yes, that is one of them.

24 Q. Is that correct?

1 A. Yes.

2 Q. And do you who the other one was?

3 A. I can't remember her name.

4 Q. But your daughter would have interacted with  
5 these coaches throughout the season?

6 A. Correct.

7 Q. And didn't have any issue or problem with them.  
8 Is that correct?

9 A. That is correct.

10 Q. Did she have any issues or problems with other  
11 students on the cross-country team?

12 A. At one point she came home and reported that  
13 somebody had told her that she's not a real girl. I  
14 asked her at that point if she reported it to the coach  
15 and she said that she did.

16 Q. And do you know whether the situation was  
17 addressed by the coaches?

18 A. I do not know.

19 Q. Did you follow up with the coaches to discuss  
20 this concern?

21 A. I did not.

22 Q. Did you feel that BPJ had handled it herself and  
23 you were comfortable with that?

24 A. Oh, quite well, yes.

1 Q. And were there any issues after that with  
2 students, after BPJ raised this concern with the  
3 coaches?

4 A. There was not.

5 Q. If you thought that there was a further problem  
6 would you have gotten involved and either addressed it  
7 with either the coaches or school officials?

8 A. Most definitely.

9 Q. Is it fair to say you didn't think that was  
10 necessary?

11 A. Correct.

12 Q. That season is over now.

13 Is that correct?

14 A. That is correct.

15 Q. And is BPJ --- did she try out for any winter  
16 sports at the middle school?

17 A. No, she did not.

18 Q. Does she intend to try out for any spring  
19 sports?

20 A. Yes, she does.

21 Q. And what does she intend to try out for?

22 A. Track.

23 Q. And has --- have you had any communications with  
24 school officials about her ability to try out for track

1 this spring?

2 A. We have not.

3 Q. Is it your understanding that she will be  
4 permitted to try out for the girls track team?

5 A. I don't have an understanding whether she'll be  
6 permitted or not.

7 Q. Because you have not had any discussions.  
8 Is that correct?

9 A. Correct.

10 Q. Let me talk more candidly about BPJ's school  
11 year. And I'm sorry if I already asked you this, but at  
12 the middle school she's I guess almost halfway through  
13 her sixth grade year.

14 Is that correct?

15 A. That is correct.

16 Q. And is she having a good school year?

17 A. She's having an excellent school year. After  
18 she learned her locker combination, everything went  
19 well.

20 Q. Right now all of us are having a flashback to  
21 middle school and the trauma that was remembering your  
22 locker code. I understand that, Ms. Jackson. And do  
23 you feel that the school has appropriately implemented  
24 the Gender Support Plan that you agreed upon?

1 A. Yes.

2 Q. And you don't have any issues or concerns with  
3 how school officials have treated BPJ this school  
4 year-to-date?

5 A. No.

6 Q. I want to follow up on a question that Mr. Tryon  
7 asked about cross-country meets this fall. You  
8 mentioned that some meets --- I think you called them  
9 one and done meets?

10 A. Yes.

11 Q. And I think you described that everybody ---  
12 they have the girls teams and the boys teams all run at  
13 one time.

14 Is that correct?

15 A. Correct, correct.

16 Q. And in those situations the boys teams are still  
17 competing against the boys teams and the girls teams are  
18 still competing against the girls teams.

19 Is that correct?

20 A. Yes. The statistics go towards the appropriate  
21 team.

22 Q. That was what I assumed was the case in those  
23 meets, but I just wanted to ask you. I haven't seen one  
24 of those, but I figured they still separated the results

1 by girls teams and boys teams.

2 Right?

3 A. Correct.

4 Q. And in those situations BPJ would have been  
5 listed on girls roster and would have been competing  
6 against other girls teams.

7 Correct?

8 A. That is correct.

9 Q. I did notice in one of the pictures that was  
10 provided through your counsel in discovery there were  
11 some pictures of BPJ at various cross-country meets this  
12 fall. It looks like she was having a good time.

13 Was that correct?

14 A. That is correct.

15 Q. I saw the one of her in the creek, and I will  
16 tell you that I have been there with my daughter and  
17 what a muddy mess. Huh?

18 A. Yes, very much so.

19 Q. But the middle school kids love it. I don't  
20 know if BPJ loved it, but I know that my daughter  
21 thought it was great to get muddy.

22 A. The creek crossing runs are her favorites.

23 Q. Let me just look at my notes here, Ms. Jackson.  
24 I'm almost done.

1 I want to go back briefly to your  
2 communications with Mr. Mazza about House Bill 3293.  
3 Mr. Mazza did not tell you that he agreed with that  
4 bill, did he?

5 A. He didn't say he agreed or disagreed.

6 Q. And did anybody employed by Harrison County  
7 Schools or any elected official of Harrison County  
8 Schools ever tell you that they agreed with House Bill  
9 3293?

10 A. I've had no communication with anybody in that  
11 genre whether they agreed or disagreed.

12 Q. And that would include Superintendant Stutler,  
13 she also didn't tell you that she agreed with House Bill  
14 3293.

15 Correct?

16 A. Yes, there has been no communication between me  
17 or her whether she agrees or disagrees.

18 ATTORNEY DENIKER: Ms. Jackson, thank  
19 you. I don't have any further questions at this time.

20 ---

21 EXAMINATION

22 ---

23 BY ATTORNEY MORGAN:

24 Q. Ms. Jackson, my name is Kelly Morgan and I



1 represent the West Virginia Board of Education and  
2 Superintendant Burch. Can you hear me okay?

3 A. Yes.

4 Q. All right.

5 I only anticipate a few questions here, so I  
6 don't anticipate going very long. But if you don't  
7 understand my question, please let me know. Otherwise,  
8 I'm going to assume that you understood my question if  
9 you answer my question.

10 Is that fair?

11 A. Okay. Yes.

12 Q. All right.

13 Had you ever had any discussions with anyone  
14 from the West Virginia Board of Education?

15 A. I have not.

16 Q. And when I say the West Virginia Board of  
17 Education, what does that mean to you?

18 A. I don't know how to answer that. That means the  
19 West Virginia Board of Education.

20 Q. Do you know what the West Virginia Board of  
21 Education is?

22 A. Yeah, the governing body of the board --- of the  
23 educational system.

24 Q. Can you describe that any more for me as to what

1 your understanding is?

2 A. No, I cannot.

3 Q. Do you know like the hierarchy of how that's set  
4 up at all?

5 A. No.

6 Q. Okay.

7 Do you know where they are in relation to say  
8 Harrison County Board of Education?

9 A. No.

10 Q. Fair enough.

11 A. Do you mean physically where they're located?

12 Q. No, not physically?

13 A. Oh, okay.

14 Q. Like as who might give direction to who?

15 A. Oh, okay. No.

16 Q. Or who does what or anything like that?

17 A. No.

18 Q. Okay. Fair enough.

19 I just wondered. Have you ever talked to  
20 Superintendant Burch?

21 A. No.

22 Q. Have you ever contacted his office?

23 A. No.

24 Q. Are you aware of anyone in your family who has

1 contacted the West Virginia Board of Education or  
2 Superintendant Burch?

3 A. I am not aware.

4 Q. Do you have any reason to believe that the West  
5 Virginia Board of Education had any specific role or  
6 involvement in the passage of House Bill 3293?

7 A. I don't know.

8 Q. You wouldn't know one way or another?

9 A. Nope.

10 Q. Okay.

11 And so if you never had any contact with the  
12 West Virginia Board of Education or Superintendant  
13 Burch, is it fair to say that you don't have any  
14 complaints of anything that they've done in this case  
15 with regard to BPJ?

16 ATTORNEY BLOCK: Objection to form.

17 THE WITNESS: Can you repeat the  
18 question?

19 BY ATTORNEY MORGAN:

20 Q. Sure. Let me even rephrase it a different way.  
21 Do you have any complaints as to anything that the West  
22 Virginia Board of Education has done with regard to BPJ?

23 A. Up to this point they have let her run on the  
24 girls cross-country team, so we're happy with that.

1 Q. And when you say they, who are you referring to?

2 A. The Board of Education. They have not ---  
3 because of the stay, they didn't tell her she couldn't  
4 run.

5 Q. And are you specifically referring to Harrison  
6 County Board of Education?

7 A. I'm referring to any Board of Education.

8 Q. You said earlier that you had never been  
9 contacted by anyone for BPJ to be, in essence, the  
10 spokesperson for transgender rights.

11 Is that right?

12 A. That's correct.

13 Q. Had you ever contemplated her being a  
14 spokesperson for transgender rights?

15 A. Heavens, no.

16 Q. You said that you had a family friend who also  
17 had a transgender, I believe male.

18 Is that right?

19 A. That's correct.

20 Q. What discussions have you had with that friend  
21 regarding transgender rights?

22 ATTORNEY BLOCK: Objection. Vague.

23 THE WITNESS: Yeah, I'm not sure how to  
24 answer that. I mean ---.

1 BY ATTORNEY MORGAN:

2 Q. As you sit here today, can you think of anything  
3 specific about things you might do to promote  
4 transgender rights?

5 A. What we would do as individuals to promote it?

6 Q. Yes.

7 A. Like publicly promote it?

8 Q. Sure.

9 A. No.

10 Q. Have you talked to this friend? And I forget  
11 her name.

12 A. Carolyn.

13 Q. Carolyn. Have you talked to Carolyn about this  
14 case?

15 A. No.

16 Q. Do you know whether B [REDACTED] has talked to Carolyn  
17 or her transgender son, if I'm using that term  
18 correctly, about this case?

19 A. She has not.

20 ATTORNEY MORGAN: Ms. Jackson, those are  
21 all the questions that I have for you. Thank you.

22 And before someone questions, I think it  
23 was Tim possibly, I may be switching to a different  
24 device so just be patient if I drop off this for the

1 court reporter and all other counsel. I'll be joining  
2 on another device. Thank you again.

3 ---

4 EXAMINATION

5 ---

6 BY ATTORNEY DUCAR:

7 Q. Good afternoon, Ms. Jackson. I'm Tim Ducar and  
8 I represent Lainey Armistead, an intervenor in this  
9 case. You previously --- strike that.

10 Let's go back to this cross-country competition  
11 example that we were talking about because I am  
12 unfamiliar with it. Is this one and done competition  
13 everybody runs all at one time but the rankings are kept  
14 track somehow?

15 A. Correct.

16 Q. And you said the rankings are done in what  
17 manner?

18 A. Sometimes they have chips, sometimes it's done  
19 manually.

20 Q. So it is separated by gender or sex or is it  
21 separated by --- how are those separated?

22 A. Sorry. There's a huge echo.

23 ATTORNEY MORGAN: Sorry. That may have  
24 been me. I think I fixed it.

1                   THE WITNESS:   Okay.

2                   I'm sorry.   Mr. Ducar, could you repeat?

3   BY ATTORNEY DUCAR:

4           Q.       How are the groups that are competing separated  
5   in those kinds of events?

6           A.       I'm not sure how the logistics works.   I've  
7   never worked an event where that happens, so I'm not  
8   sure how they do it.

9           Q.       Okay.

10                  But when BPJ ran in an event like that, I guess  
11   she only ran in one, would you describe her as not being  
12   first, not being second, not being last, but how?

13           A.       I wouldn't know to tell you where she ranked.

14           Q.       Okay.

15                  On the times that she competed against --- on  
16   the girls team, she didn't end up first, second or last.  
17   Was she in the front of the pack?   Was she in the back?  
18   How did she end up?

19           A.       She was in the back of the pack.

20           Q.       So the second 50 percent anyway.

21                  Correct?

22           A.       She was not in the top 50 percent.

23           Q.       She still enjoyed herself.

24                  Right?

1 A. She had a blast.

2 Q. You previously testified that BPJ was born a  
3 male. Can you please explain what you meant when you  
4 said BPJ was born a male?

5 A. She was born as a male in that she was  
6 designated male at birth because she had a penis when  
7 she was born.

8 Q. Is there any other characteristics that would  
9 conclude you to say BPJ was born a male?

10 A. No. That is how they're identified when you  
11 give birth. They look at the genitalia and tell you  
12 it's a boy or a girl.

13 Q. You previously testified the reason BPJ is  
14 female is based upon BPJ's identification as a female.  
15 In your view, how does someone know what they identify  
16 as?

17 A. She knows that she's a female just like I know  
18 that I'm a female and you know that you're a male.

19 Q. So it's something somebody knows internally.  
20 Correct?

21 A. Yes. She knows that she's a female.

22 Q. And the way one identifies whether or not  
23 they're male or female is their internal thought about  
24 that.



1 Correct?

2 ATTORNEY BLOCK: Objection to form.

3 THE WITNESS: Their internal thought and  
4 their outward thought.

5 BY ATTORNEY DUCAR:

6 Q. How they act, is that what you're saying?

7 A. How they express themselves, if they come out  
8 and say that I am a female.

9 Q. Very well.

10 You testified earlier that someone who  
11 identifies as a female should be able to run on girls  
12 cross-country teams. Do you think it's true even if the  
13 person was born a biological male and has not taken  
14 puberty blockers?

15 A. Yes.

16 Q. Earlier you testified that BPJ showed female  
17 characteristics at about age three. What are female  
18 characteristics that she would have --- or that BPJ  
19 displayed?

20 A. Her mannerisms, her choice of clothing, limited  
21 vocabulary but able to say that she's a girl, expressing  
22 concern over the fact that she had a penis.

23 Q. I presume you supported her the entire time when  
24 she was showing these characteristics?

1 A. Yes, I nurtured her.

2 Q. Did you ever dissuade BPJ's from these  
3 characteristics?

4 A. Nope.

5 Q. Have you ever?

6 A. Nope.

7 Q. How do you feel about BPJ's transitioning?

8 A. I think she's a beautiful little girl.

9 Q. Do you think her desire to transform is  
10 permanent?

11 A. Yes.

12 Q. What happens if BPJ changes BPJ's mind and wants  
13 to transition back?

14 ATTORNEY BLOCK: Objection to form.

15 BY ATTORNEY DUCAR:

16 Q. Would you support that?

17 A. I would support her true self, however she  
18 chooses live authentically.

19 Q. So would you support de-transitioning if that is  
20 what BPJ wanted to do?

21 A. If some day she came to me and said she chose to  
22 de-transition, yes, I would support her.

23 Q. Does the fact that BPJ wants to transition or is  
24 transitioning causing you any anxiety?

1           A.       Just worried about any sort of discrimination  
2       that she may face.

3           Q.       Anything else?

4           A.       No.

5           Q.       Is it causing your husband any anxiety?

6           A.       You would have to ask him.

7           Q.       None that you're aware of?

8           A.       It seems that he's doing just fine.

9           Q.       Is it causing BPJ any anxiety?

10                    ATTORNEY BLOCK: Objection to form.

11                    THE WITNESS: If she gets misgendered,  
12       she's upset.

13       BY ATTORNEY DUCAR:

14           Q.       Is there anything else about the transitioning  
15       that causes her anxiety?

16           A.       No. She's happy to transition.

17           Q.       How about this lawsuit, is this lawsuit causing  
18       you anxiety?

19           A.       The whole process of it is quite overwhelming.

20           Q.       Is it causing your husband anxiety?

21           A.       You would have to ask him on that one.

22           Q.       Is it causing BPJ anxiety?

23           A.       Not that I know of.

24           Q.       Has your husband told you about how he feels

1 about BPJ's desire to transition?

2 A. I know that he supports her.

3 Q. Do you have any hesitation about BPJ's interest  
4 in socially or medically transitioning?

5 A. Can you repeat that, please?

6 Q. Do you have any hesitation about BPJ's interest  
7 in socially or medically transitioning?

8 A. No hesitation.

9 Q. Have you encouraged BPJ's interest in  
10 transitioning?

11 A. I have helped ---.

12 ATTORNEY BLOCK: Objection to form.

13 THE WITNESS: I have helped her in her  
14 desire to transition.

15 BY ATTORNEY DUCAR:

16 Q. So that would be yes.

17 Correct?

18 A. I helped her in her desire to transition.

19 Q. Have you encouraged her?

20 A. I have helped her.

21 ATTORNEY BLOCK: Objection to the form.

22 BY ATTORNEY DUCAR:

23 Q. So you have not encouraged BPJ?

24 A. I wouldn't use the word encourage.

1 Q. Do you think it's important that team sports  
2 have fair rules?

3 ATTORNEY BLOCK: Objection to form.

4 ATTORNEY DUCAR: Excuse me. What is  
5 wrong with the form? That's a simple question.

6 ATTORNEY BLOCK: I think the fair rules  
7 is vague.

8 ATTORNEY DUCAR: Okay. Thank you.

9 BY ATTORNEY DUCAR:

10 Q. So I'll ask it again. Ms. Jackson, do you think  
11 it's important that team sports have fair rules?

12 A. I think rules are necessary in society.

13 Q. Do you think it's important that team sports  
14 have fair rules?

15 A. What constitutes fair?

16 Q. Well, that's a good question. Okay. I'll move  
17 on then.

18 Do you have any long-term treatment goals for  
19 BPJ?

20 A. Well, I hope she'll continue her blockers until  
21 she's ready for her next step, whatever she and her  
22 doctors decide that need be.

23 Q. You're going to follow the medical advice of the  
24 doctors.

1 Correct?

2 A. Correct.

3 Q. Whose idea was it for BPJ to start puberty  
4 blockers?

5 A. She expressed her desire to start the puberty  
6 blockers. She was concerned about her body producing  
7 male hormones.

8 Q. Earlier you testified that Dr. Montano talked to  
9 you about risks of puberty blockers.

10 Did you understand what he said?

11 A. Yes.

12 Q. Did BPJ understand what he said?

13 A. Yes.

14 Q. And do you understand the long-term  
15 ramifications of BPJ taking puberty blockers?

16 A. As I read the package insert.

17 Q. What do you understand the risks to be of cross  
18 sex hormones?

19 A. I don't understand the question.

20 Q. You talked about hormone therapy throughout this  
21 deposition.

22 Correct?

23 A. Correct.

24 Q. What do you define as hormone therapy?

1           A.       Well, in her particular case she will be  
2       receiving female hormones.

3           Q.       Do you understand the risks of her taking female  
4       hormones?

5           A.       Yes.

6           Q.       Does B [REDACTED]?

7           A.       Yes.

8           Q.       And you understand the long-term ramifications  
9       of BPJ taking these hormones.

10                  Correct?

11          A.       I know there are risks.

12          Q.       And BPJ knows those as well.

13                  Right?

14          A.       There are risks, yes.

15          Q.       What are those risks?

16          A.       Possibility of increased chance of cancer.

17          Q.       Anything else?

18          A.       Non-reversible characteristics.

19          Q.       For example, what would that be?

20          A.       Decreased size in testes.

21          Q.       Anything else?

22          A.       If she would eventually want to go off the  
23       hormones, a decreased size in breasts.

24          Q.       Anything else?

1 A. Those are the biggies.

2 Q. Earlier I did not hear that Dr. Montano talked  
3 about the risks of testosterone. Did Dr. Montano talk  
4 to you about the risks of testosterone?

5 A. She's not taking testosterone.

6 Q. Did Dr. Montano ever talk to you about that?

7 A. She won't be taking testosterone.

8 Q. Does that mean no?

9 A. No, because she's not taking testosterone.

10 Q. Has any medical professional talked to you about  
11 the risks of taking testosterone?

12 A. No, because she wouldn't be taking testosterone.

13 Q. Is BPJ eligible to compete on Bridgeport Middle  
14 Schools cross-country team, girls?

15 ATTORNEY BLOCK: Objection to form.

16 THE WITNESS: She was permitted to  
17 participate this past season.

18 BY ATTORNEY DUCAR:

19 Q. Bridgeport Middle School has a boys  
20 cross-country team.

21 Correct

22 A. Correct.

23 Q. Is BPJ eligible to compete on Bridgeport Middle  
24 School's boys cross-country team?



1 A. She would not participate.

2 Q. Do you know if BPJ is eligible to do so?

3 A. It was irrelevant to the conversation in regards  
4 that she would refuse to try out for the boys  
5 cross-country team.

6 Q. So is it fair to say you're not sure?

7 A. I don't know if she would be eligible.

8 Q. I believe in your Declaration you said that  
9 BPJ's running on a boys cross-country team is not an  
10 option. What did you mean by that?

11 A. She will not be running on a boys cross-country  
12 team. She has exhibited absolutely no desire to run on  
13 a boys cross-country team.

14 Q. Are there situations where it would be not fair  
15 to allow a male, a biological male, to run on a girls  
16 cross-country team?

17 A. Can you repeat the question?

18 Q. Are there situations where it would be not fair  
19 to allow a biological male to run on a girls  
20 cross-country team?

21 A. If a biological male identifies as a female they  
22 should be allowed to run on a girls cross-country team  
23 or play girls sports.

24 Q. Okay.

1 But my question is, is there a situation where  
2 it wouldn't be fair to allow that to happen?

3 A. I guess I don't understand how the wording of it  
4 --- it's almost like you are using a double negative.  
5 I'm not understanding the question.

6 Q. Is it --- can you think of a situation where it  
7 would be unfair to allow a biological male to run on a  
8 girls cross-country team?

9 A. No, I can't think of a situation.

10 ATTORNEY DUCAR: Thank you, Ms. Jackson.  
11 I have nothing further for you.

12 ATTORNEY TRYON: I have two follow-up  
13 questions.

14 ---

15 RE-EXAMINATION

16 ---

17 BY ATTORNEY TRYON:

18 Q. You indicated that ---.

19 ATTORNEY DUCAR: I'm sorry. Can I  
20 interrupt?

21 ATTORNEY TRYON: Yes.

22 ATTORNEY DUCAR: I have like three other  
23 questions that I forgot about. I'm sorry to interrupt.

24 ATTORNEY TRYON: Okay. Go ahead.

1                    ATTORNEY DUCAR: All right. Do you need  
2 a break, Heather?

3                    THE WITNESS: I just need to get a little  
4 more water. I'm out.

5                    ATTORNEY DUCAR: Okay.

6                    I'm changing my mind. I've already  
7 handled these questions, so I'm sorry for interrupting  
8 and now I have no further questions.

9                    THE WITNESS: Got it.

10 BY ATTORNEY TRYON:

11            Q. Two quick questions. You indicated during some  
12 of the other questioning that BPJ intends to or wants to  
13 run in track this next year.

14                    Is that right?

15            A. That is correct.

16            Q. Do you know which events that BPJ wants to or  
17 intends to run in this next year?

18            A. She's interested in distance running.

19            Q. Can you be more specific?

20            A. The mile, two-mile.

21            Q. Any others?

22            A. She's not really experienced any of the other  
23 events in track because this would be her first year to  
24 be exposed to them. So she hasn't really raised any

1       desire because she hasn't experienced them.

2           Q.       Okay.

3                    So what about cross-country, does BPJ want to  
4       do them again?

5           A.       Oh, yes.

6           Q.       Great. Then when running in these meets, these  
7       cross-country meets, it's my understanding that BPJ was  
8       competing against both sixth, seventh and eighth  
9       graders.

10                   Is that right?

11          A.       That is correct.

12          Q.       Ninth graders?

13          A.       No.

14          Q.       That's true for all cross-country that BPJ's  
15       grade levels.

16                   Right?

17          A.       That is correct.

18                   ATTORNEY TRYON: Thank you. I have no  
19       further questions with the caveat in the event that we  
20       need to reopen this upon delivery of additional  
21       documents we would want to continue this deposition.  
22       Other than that, I have no other questions.

23                   ATTORNEY BLOCK: And Plaintiff would  
24       object to any continuation of the deposition.

1                    ATTORNEY GREEN: On behalf of WVSSAC I  
2 have no further questions. Thank you, Ms. Jackson.

3                    THE WITNESS: Thank you.

4                    ATTORNEY DENIKER: I have no further  
5 questions. Thank you for your time today, Ms. Jackson.

6                    THE WITNESS: Thank you.

7                    ATTORNEY MORGAN: I have no further  
8 questions. Thank you so much.

9                    THE WITNESS: Thank you.

10                   ATTORNEY DUCAR: I have nothing further.  
11 Thank you so much.

12                   THE WITNESS: Thank you.

13                   ATTORNEY BLOCK: And the witness will  
14 review the transcript in accordance with the Rules.

15                   VIDEOGRAPHER: If there are no further  
16 questions, then that this concludes the deposition. The  
17 time reads 4:49 p.m.

18                   \* \* \* \* \*

19                   VIDEOTAPED VIDEOCONFERENCE DEPOSITION

20                   CONCLUDED AT 4:49 P.M.

21                   \* \* \* \* \*

22

23

24

1 STATE OF WEST VIRGINIA )

2 CERTIFICATE

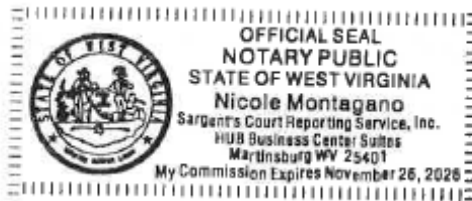
3 I, Nicole Montagano, a Notary Public in  
4 and for the State of West Virginia, do hereby  
5 certify:

6 That the witness whose testimony appears  
7 in the foregoing deposition, was duly sworn by me  
8 on said date, and that the transcribed deposition  
9 of said witness is a true record of the testimony  
10 given by said witness;

11 That the proceeding is herein recorded  
12 fully and accurately;

13 That I am neither attorney nor counsel  
14 for, nor related to any of the parties to the  
15 action in which these depositions were taken, and  
16 further that I am not a relative of any attorney  
17 or counsel employed by the parties hereto, or  
18 financially interested in this action.

19 I certify that the attached transcript  
20 meets the requirements set forth within article  
21 twenty-seven, chapter forty-seven of the West  
22 Virginia.



*Nicole Montagano*  
Nicole Montagano,  
Court Reporter